BUCHANAN AND BRECKINRIDGE.

THE

DEMOCRATIC HAND-BOOK,

COMPILED BY

MICH. W. CLUSKEY,

OF

WASHINGTON CITY, D. C.

RECOMMENDED BY THE

DEMOCRATIC NATIONAL COMMITTEE.

The success of the Democracy essential for the preservation of the Union and the protection of the integrity of the Constitution.

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PREFACE

TO THE

DEMOCRATIC ELECTORAL HAND-BOOK.

The demand for authentic documents disproving the unprecedented charges against the Democratic candidate, and refuting the unblushing pretensions of the Black Republican Know-Nothing nominees for the Presidency, has rendered it important in the opinion of leading members of the Democratic party, that some compilation of argument and fact derived from indisputable authorities should be prepared and published.

In the execution of this work, selections have been made from the works of the Democratic leaders—Leaders who represent the uniform and united opinions of the Democracy, North and South, whilst the motives of those patriotic citizens who have forgotten the prejudices of party, to bestow their support upon the only National candidate, are illustrated in the speeches and letters of the old line Whigs, vindicating their course of action in that respect.

The Electoral Hand Book, will be found to contain, also, the most important enactments and reports bearing upon the great issues of the day, with a mass of other matter sufficient to furnish any enquirer with the means of making up an impartial opinion upon the questions involved in the canvass, and to furnish speakers and writers with the material for defence or assault.

The author can only add, that having access to the whole magazine of political missiles, proper for employment in the present campaign, and enabled by his position and pursuits, to furnish any specific information from the published political records of the country, it will afford him pleasure to communicate any answer to any inquiry which may be made of him, and which is not satisfactorily responded to in the "Hand-Book."

Appealing to the magnanimity of his fellow-democrats to attribute any omission, to the hurried manner in which he is necessitated to prepare his work, he submits it for their judgment and use.

THE MISSOURI COMPROMISE.

The excitement created by the repeal of a geographical line, the existence of which Mr. Jefferson said "would be recurring on every occasion, and renewing irritations, until it would enkindle such mutual and moral hatred as would render seperation preferable to eternal discord," has induced us to republish the unfortunate act of Congress which first gave existence to what was called the Missouri Compromise line.

Missouri having applied for admission into the Union as a State, the House of Representatives, on the 16th of February, 1819, passed a bill providing for her admission, and affixing as a condition thereof, the prohibition of slavery within her limits. On the 27th of February, 1819, the Senate struck out of the bill the clause prohibiting slavery, and thus amended, sent it back to the House. On the 2d of March, 1819, the House refused to concur in the amendment of the Senate. On the same day the Senate insisted upon its amendment, and the House adhered, so that bill was lost.

On the 6th of January, 1820, the Committee on the Judiciary of the Senate reported a bill from the House admitting Maine into the Union, which contained no prohibition whatever, with an amendment admitting Missouri without any clause concerning slavery. It was then that Mr. Thomas introduced as an amendment what is called the Missouri Compromise which was adopted, and the bill as amended, passed the Senate on the 18th of February, 1820. The bill came to the House. After numerous messages between the two Houses, informing each other of their disagreements, and after motions had passed both Houses te insist on their respective positions, a joint committee of conference was appointed. Whilst this committee was in session, an independent bill to admit Missouri was taken up in the House and passed, containing a clause prohibiting slavery in said State, which was sent to the Senate, amended by it, and returned. Upon its return, the managers of the conference reported, that the Senate recede from its amendment to the bill admitting Maine, and that the House bill, admitting Missouri, should be amended by striking out the clause prohibiting slavery, and inserting in lieu thereof, what is now known as the Missouri Compromise. The bill thus framed, was, after one disagreement on the part of the two Houses, passed, and is as follows:

An ACT to authorize the People of the Missouri Territory te form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit Slavery in certain Territories.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the inhabitants of that portion of the Missouri Territory included within the boundaries hereinafter designated, be, and they are hereby authorized to form for themselves a Constitution and State Government; and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union, upon an equal footing with the original States, in all respects whatsoever.

The 3d, 4th, 5th, 6th, and 7th sections of the law, embrace mere matters of detail, having no connection with the great question which is now agitating the country. The 8th section, which is what is generally known as the Missouri Compromise, is as follows:

SEC. 8. *And be it further enacted,* That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and

thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby forever prohibited; *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid. [*Approved* 6 *March*, 1820.]

The action of Congress after the passage of the foregoing act rejects the idea that it was a compact, or that the Missouri Compromise embraced in the 8th section thereof was at all a condition to the subsequent admission of Missouri. After the enactment of that law, Missouri applied for admission as a state, and her application was rejected. Congresss disregarded the act establishing the geographical line and shut the door on Missouri. The following act was afterwards passed and she was admitted:

RESOLUTIONS.

[No. 1.] RESOLUTION providing for the Admission of the State of Missouri into the Union, on a certain Condition.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition, that the fourth clause of the 26th section of the third article of the constitution submitted on the part of said state to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen, of either of the states in this Union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States: *Provided*, That the legislature of the said state, by a solemn public act, shall declare the assent of the said state to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceedings on the part of Congress, the admission of the said state into this Union shall be considered as complete. [*Approved.* 2 *March*, 1821.]

From this it will be seen that the only condition under which Missouri was admitted, is contained in the proviso of the last act, which Missouri in her acceptance of the terms of admission denied the right of the United States to make whilst she nevertheless yielded and became a part of the Union. The effect of this condition was to force Missouri to agree to admit within her limits to the same privileges which white citizens of other states might have, the negro where he is recognised as a citizen by any state.

Mr. Jefferson's opinion of the enactment of a geographical line in the country referring to that instuted by the Missouri act of 1820.

THOMAS JEFFERSON to WM. SHORT.

MONTICELLO, *April* 13, 1820.

DEAR SIR: * * * * Although I had laid down as a law to myself, not to write, talk, or even think of politics, to know nothing of public affairs, and therefore had ceased to read newspapers, yet the Missouri question aroused and filled me with alarm. The old schism of Federal and Republican, threatened nothing, because it extended in every State, and united them together by the fraternalization of party. But the coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion, and renewing irritations, until it would enkindle such mutual and moral hatred as would render separation preferable to eternal discord. I have been the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequences of this question, not by the line which has been so confidently counted on—the laws of nature control this—but by the Potomac, Ohio and Missouri, or more probably the Mississippi,

upwards to our northern boundary. My only *comfort and confidence is that I shall not live to see this;* and I envy not the present generation the glory of throwing away the fruits of their father's sacrifices of life and fortune *and of rendering desperate the experiment which was to decide ultimately, whether man is capable of self-government. This treason against human hope will signalize their epoch in future history as the counterpart of their predecessors.*

THOMAS JEFFERSON to JOHN HOLMES.

MONTECELLO, *April* 20, 1820.

I thank you, dear sir, for the copy you have been so kind as to send me of the letter to your constituents, on the Missouri question. It is a perfet justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not far distant. But this momentuous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the *Knell* of the Union. It is hushed indeed for the moment, but this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. An abstinence, too, from this act of power, would remove the jealousy excited by the undertaking of *Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the Constitution has taken from them and given to the General Government. Could Congress, for instance, say that the non-freemen of Connecticut should be freemen, or that they shall not emigrate into any other State.*

EXTENSION OF THE MISSOURI LINE TO THE PACIFIC.

On the 10th of August 1848, in the Senate of the United States, the Oregon bill being under consideration, the question was taken on the amendment extending the Missouri Compromise line to the Pacific, and it was decided in the affirmative as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, *Bright*, Butler, Calhoun, *Cameron*, Davis of Miss., *Dickinson*, *Douglas*, Downs, *Fitzgerald.* Foote, *Hannegan*, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalf, Pearce, Sebastian, Spruance, *Sturgeon*, Turney, and Underwood—33.

NAYS.—Messrs. *Allen*, *Atherton*, *Baldwin*, *Bradbury*, *Breese*, *Clarke*, *Corwin*, *Davis* of Mass., *Dayton*, *Dix*, *Dodge*, *Felch*, *Greene*, *Hale*, *Hamlin*, *Miller*, *Niles*, *Phelps*, *Upham*, *Walker*, *Webster and* Wescott—22.

The Bill with this amendment came before the House on the next day, and the amendment of the Senate extending the Missouri line to the Pacific was non-concurred in by the following vote:

YEAS—Messrs Adams, Atkinson, Barringer, Barrow. Bayly, Beale, Bedinger, *Birdsall*, Bocock, Botts, Bowdon, Bowlin, Boyd, Boydon, *Brodhead*, *Chas. Brown*, A. G. Brown, Buckner, Burt, Cabell, Chapman, Chase, Beverly L. Clarke, Clingman, Howell Cobb, Williamson R. W. Cobb, Cocke, Crozier, Daniel, Donnell, Garnett Duncan, Alexander Evans, Featherston, Flournoy. French, Fulton, Gayle, Goggin, Greene, Willard P. Hall, Haralson, Harmanson, Hariss, Haskell, Hill, Hilliard, Isaac E. Holmes, Geo. S. Houston, *Chas. J. Ingersoll*, Iverson, Andrew Johnson, Robert W. Johnson, Geo. W. Jones, John W. Jones, Kaufman, Thomas Butler King, Ligon, Lumpkin, McDowell, McKay, McLane, Meade, Morehead, Outlaw, Pendleton, Phelps, Pillsbury, Preston, Rhett, Roman, Sheppard, Stanton, Stephens, Thomas, Jacob Thompson, J. B. Thompson, Robert A. Thompson, Tompkins, Toombs, Venable, Wallace and Woodward—82.

NAYS—*Messrs. Abbott, Ashmun, Bingham, Blanchard, Brady, Butler, Canby, Catheart, F. Clark, Collamer, Collins, Conger, Cranston, Crowell, Cummins, Darling, Dickey, Dickinson, Dixon, Duer, Daniel Duncan, Dunn, Eckert, Edsall, Edwards, Embree, Nathan Evans, Faran, Farelly, Ficklin, Fisher, Freedly, Fries, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, Hammons, Jas. G. Hampton, Moses Hampton, Henly, Henry, Elias B. Holmes,* John W. Houston, *Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Kennen, D. P. King, W. T. Lawrence, Sydney Lawrence, Lincoln, Lord, Lynde, Ma-*

clay, McClelland, McClernand, McIlvaine, Job Mann, Horace Mann, Marsh, Marvin, Miller, Morris, Mullen, Murphy, Nelson, Nes, Newell, Nicoll, Palfrey, Peaslee, Peck, Petrie, Pettitt, Pollock, Putnam, Reynolds, Richey, Robinson, Rockhill, Jno. A. Rockwell, Rose, Root, Rumsey, St. John, Sawyer, Schenck, Sherrill, Sylvester, Slingerland, Smart, Caleb B. Smith, Robert Smith, Truman Smith, Starkweather, Andrew Stewart, Chas. E. Stuart, Strohm, Strong, Tallmadge, Taylor, James Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Van Dyke, Vinton Warren, Wentworth, White, Wick, *Williams and* Wilmot.—121.

The House having thus non-concurred with the Senate, the question was decided in the Senate, on the 12th of August, 1848, in favor of receding from its amendment, running the Missouri line to the Pacific, by yeas and nays, as follows:

YEAS.—*Messrs. Allen, Baldwin,* Benton, *Bradbury, Breese, Bright, Cameron, Clarke, Corwin, Davis, of Mass., Dayton, Dickinson, Dix, Dodge, Douglass, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan,* Houston, *Miller, Miles, Phelps,* Spruance, *Upham, Walker and Webster*—29.

NAYS—Messrs. Atchison, Badger, Bell, Berrien, Borland, Butler, Calhoun, Davis of Miss., Downs, Foote, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Metcalfe, Pearce, Rusk, Sebastian, Turney, Underwood, Westcott and Yulee—25.

So the Senate receded, and the Compromise line was not extended.

By analyzing this vote it will be seen that upon its being first proposed in the Senate to extend the Missouri line to the Pacific, the entire North in that body with seven exceptions voted against it, whilst the entire South with one exception voted for it.

In the House the entire North with four exceptions voted against it, whilst the entire South with one exception voted for it.

Upon receding in the Senate the entire North voted to recede whilst the entire South with two exceptions voted against it.

NOTE—Those in Italics are from the North. Those not in Italics are from the South.

LEGISLATION OF 1850, SUPERSEDING THE MISSOURI COMPROMISE.

We do not deem it necessary to burden this book with a publication of the whole of the Territorial laws of the memorable year 1850. The extracts bearing directly on the subject are all that is necessary.

The Act approved September 9, 1850, for the organization of the Territory of New Mexico, being a part of the act fixing the boundaries of Texas, contains the following proviso in its second section.

"*Provided further,* That when admitted as a State, the said Territory or any portion of the same shall be received into the Union, with or without slavery as their constitution may prescribe at the time of their admission."

The Act appreved the same day for the organization of the Territory of Utah, contains an identical provision with that cited from the New Mexico Act.

A portion of New Mexico lies north of 36.30. The whole of Utah lies north of that line.

THE WHIG AND DEMOCRATIC PLATFORMS OF 1852 ENDORSE THE LEGISLATION OF 1850, SUPERSEDING THE MISSOURI COMPROMISE.

We here subjoin the Whig platform of 1852. It will be seen that it fully endorsed the legislation of 1850, and afforded the South ample guarantees for the protection of its institutions.

NATIONAL WHIG PLATFORM OF 1852.

The Whigs of the United States, in convention assembled, firmly adhering to the great conservative republican principles by which they are controlled and governed, and now, as ever, relying upon the intelligence of the American people, with an abiding confidence in their capacity for self-government, and their continued devotion to the Constitution and the Union, do proclaim the following as the political sentiments and determinations, for the establishment and maintainance of which their national organization as a party is effected.

1. The Government of the United States is of a limited character, and it is confined to the exercise of powers expressly granted by the Constitution, and such as may be necessary and proper for carrying the granted powers into full execution, and that all powers not thus granted or necessarily implied are expressly reserved to the States respectively and to the people.

The State Governments should be held secure in their reserved rights, and the General Goverement sustained in its constitutional powers, and the Union should be revered and watched over as "the palladium of our liberties."

3. That while struggling freedom, everywhere, enlists the warmest sympathy of the Whig party, we still adhere to the doctrines of the Father of his Country, as announced in his Farewell Address, of keeping ourselves free from all entangling alliances with foreign countries, and of never quitting our own to stand upon foreign ground. That our mission as a Republic is not to propagate our opinions, or impose on other countries our form of government, by artifice or force, but to teach by example, and show by our success, moderation, and justice, the blessings of self-government, and the advantages of free institutions.

4. That where the people make and control the Government, they should obey its Constitution, laws, and treaties, as they would retain their self-respect, and the respect which they claim, and will enforce, from foreign powers.

5. Government should be conducted upon principles of the strictest economy, and revenue sufficient for the expenses thereof, in time of peace, ought to be mainly derived from a duty on imports, and not from direct taxes; and in levying such duties, sound policy requires a just discrimination and protection from fraud by specific duties, when practicable, whereby suitable encouragement may be assured to American industry, equally to all classes and to all portions of the country.

6. The Constitution vests in Congress the power to open and repair harbors, and remove obstructions from navigable rivers; and it is expedient that Congress shall exercise that power *whenever such improvements are necessary for the common defence or for the protection and facility of commerce* with foreign nations or among the States; such improvements being, in every instance, national and general in their character.

7. The Federal and State Governments are parts of one system, alike necessary for the common prosperity, peace, and security, and ought to be regarded alike with a cordial, habitual, and immoveable attachment. Respect for the authority of each, and acquiescenee in the constitutional measures of each, are duties required by the plainest consideration of national, of State, and individual welfare.

8. The series of acts of the 31st Congress, commonly known as the Compromise or Adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in by the Whigs of the United States as a final settlement, in principle and substance, of the subjects to which they relate, and so far as these acts are concerned, we will maintain them, and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand. and the abuse of their powers on the other, not impairing their present efficiency to carry out the requirements of the Constitution, and we deprecate all further agitation of the question thus settled, as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation, whenever, wherever,

or however made; and we will maintain this settlement as essential to the nationality of the Whig party and the ittegrity of the Union.

The Democratic platform of 1856 embraces the whole of the platform of the same party in 1852, with the exception of the two following sections. ☞ See platform ol 1856 in proceedings of National Convention, contained in this volume.

IX. "*Resolved*, That the war with Mexico, upon all the principles of patriotism and the laws of nations, was a just and necessary war on onr part, in which every American citizen should have shown himself on the side of his country, and neither morally nor physically, by word or deed, have given 'aid and comfort to the enemy.'

X. "*Resolved*, That we rejoice at the restoration of friendly relations with our sister republic of Mexioo, and earnestly desire for her all the blessings and prosperity which we enjoy under republican instituons: and we congratulate the American people upon the results of that war, which have so manifestly justified the policy and conduct of the Democratic party, and insured to the United States "indemnity for the past and security for the future.'"

Upon these platforms the two parties went into that contest—their candidates standing uneqvivocally upon their distinctive features. The candidate of no other party carried a single State. Every State in the Union endorsed one or the other of those platforms. Both platforms endorsed the Legislation of 1850. Therefore, every State endorsed the legislation of 1850.

THE NEBRASKA AND KANSAS ACT OF 1854.

This act contains the following section, repealing in direct terms the 8th section of the Act approved March 6th, 1820, commonly known as the Missouri Compromise.

"SEC. 14. * * * * * * That the Constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nebraska (or Kansas, the language being the same in reference to both,) as elsewhere within the United States, except the 8th section of the act, preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognised by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of thls act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

This act passed the House by a vote of 113 to 100—44 northern men, all Democrats, and 69 southern men voted for it in the House.—91 northern men and 9 southern men voted against it.

The final vote on its passage in the Senate, was 35 to 13.

In that body, 11 Southern men and 14 Northern men—the latter all Democrats, voted for it.—11 Northern men and 2 Southern men voted against it.

READ THE PLATFORMS OF THE OPPONENTS OF THE DEMOCRACY.

KNOW-NOTHING PLATFORM OF 1855.

1. The acknowledgment of that Almighty Being who rules over the Universe—who presides over the Councils of Nations—who conducts the affairs of men, and who, in

every step by which we have advanced to the character of an independent nation, has distinguished us by some token of Providential agency.

2. The cultivation and development of a sentiment of profoundly intense American feeling; of passionate attachment to our country, its history and its institutions; of admiration for the purer days of our National existence; of veneration for the heroism that precipitated our Revolution, and of emulation of the virtue, wisdom and patriotism that framed our Constitution, and first successfully applied its provisions.

3. The maintainance of the union of these United States, as the paramount political good; or, to use the language of Washington, "the primary object of patriotic desire." And hence—

First. Opposition to all attempts to weaken or subvert it.

Second. Uncompromising antagonism to every principle of policy that endangers it.

Third. The advocacy of an equitable adjustment of all political differences which threaten its integrity or perpetuity.

Fourth. The suppression of all tendencies to political division, founded on "geographical discriminations, or on the belief that there is a real difference of interests and views" between the various sections of the Union.

Fifth. The full recognition of the rights of the several States, as expressed and reserved in the Constitution; and a careful avoidance, by the General Government, of all interference with their rights by legislative or executive action.

4. Obedience to the Constitution of these United States as the supreme law of the land, sacredly obligatory upon all its parts and members; and steadfast resistance to the spirit of innovation upon its principles, however specious the pretexts. Avowing that in all doubtful or disputed points it may only be legally ascertained and expounded by the Judicial power of the United States.

First. A habit of reverential obedience to the laws, whether National, State, or Municipal, until they are repealed or declared unconstitutional by the proper authority.

Second. A tender and sacred regard for those acts of statesmanship, which are to be contra-distinguished from acts of ordinary legislation, by the fact of their being of the nature of compacts and agreements; and so, to be considered a fixed and settled national policy.

5. A radical revision and modification of the laws regulating immigration, and the settlement of immigrants—offering the honest immigrant, who, from love of liberty or hatred of oppression, seeks an asylum in ths United States, a friendly reception and protection, but unqualifiedly condemning the transmission to our shores of felons and paupers.

6. The essential modification of the Naturalization Laws.

The repeal by the Legislatures of the respective States, of all State laws allowing foreigners not naturalized to vote. The repeal, without retrospective operation, of all acts of Congress making grants of land to unnaturalized foreigners, and allowing them to vote in the Territories.

7. Hostility to the corrupt means by which the leaders of party have hitherto forced upon us our rulers and our political creeds.

Implacable enmity against the present demoralizing system of rewards for political subserviency, and of punishments for political independence.

Disgust for the wild hunt after office which characterizes the age.

These on the one hand. On the other—

Imitation of the practice of the purer days of the Republic; and admiration of the maxim that "office should seek the man, and not man the office," and of the rule that the just mode of ascertaining fitness for office is the capability, the faithfulness, and the honesty of the incumbent candidate.

8. Resistance to the aggressive policy and corrupting tendencies of the Roman Catholic Church in our country by the advancement to all political stations—executive, legislative, judicial, or diplomatic—of those only who do not hold civil allegiance, directly or indirectly, to any foreign power, whether civil or ecclesiastical, and who are Americans by birth, education, and training—thus fulfilling the maxim, "AMERICANS ONLY SHALL GOVERN AMERICA."

The protection of all citizens in the legal and proper exercise of their civil and religious rights and privileges; the maintainance of the right of every man to the full, unrestrained, and peaceful enjoyment of his own religious opinions and worship, and a jealous resistance of all attempts by any sect, denomination, or church, to obtain an ascendency over any other in the State, by means of any special privilege or exemption, by any political combination of its members, or by a division of their civil allegiance with any foreign power, potentate, or ecclesiastic.

9. The reformation of the character of our National Legislature, by elevating to that

dignified and responsible position men of higher qualifications, purer morals, and more unselfish patriotism.

10. The restriction of executive patronage—especially in the matter of appointments to office—so far as it may be permitted by the Constitution, and consistent with the public good.

11. The education of the youth of our country in schools provided by the State; which schools shall be common to all, without distinction of creed or party, and free from any influence or direction of a denominational or partisan character.

And, inasmuch as Christianity, by the Consttutions of nearly all the States: by the decisions of the most eminent judicial authorities, and by the consent of the people of America, is considered an element of our political system, and as the Holy Bible is at once the source of Christianity, and the depository and fountain of all civil and religious freedom, we oppose every attempt to exclude it from the schools thus established in the States.

12. The American party, having arisen upon the ruins, and in spite of the opposition of the Whig and Democratic parties, cannot be held in any manner responsible for the obnoxious acts or violated pledges of either. And the systematic agitation of the Slavery question by those parties having elevated sectional hostility into a positive element of political power, and brought our institutions into peril, it has, therefore, become the imperative duty of the American party to interpose, for the purpose of giving peace to the country and perpetuity to the Union. And as experience has shown it impossible to reconcile opinions so extreme as those which separate the disputants, and as there can be no dishonor in submitting to the laws, the National Council has deemed it the best guarantee of common justice and of future peace, to abide by and maintain the existing laws upon the subject of Slavery, as a final and conclusive settlement of that subject, in fact and in substance.

And regarding it the highest duty to avow their opinions upon a subject so important in distinct and unequivocal terms, it is hereby declared as the sense of this National Council, that Congress possesses no power, under the Constitution, to legislate upon the subject of Slavery in the States, where it does or may exist, or to exclude any State from admission into the Union because its Constitution does or does not recognize the institution of Slavery as a part of its social system: and expressly pretermitting any expression of opinion upon the power of Congress to establish or prohibit Slavery in any Territory, it is the sense of the National Council that Congress ought not to legislate upon the subject of Slavery within the Territory of the United States and that any interference by Congress with Slavery as it exists in the District of Columbia, would be a violation of the spirit and intention of the compact by which the State of Maryland ceded the District to the United States, and a breach of the National faith.

13. The policy of the Government of the United States, in its relations with foreign governments, is to exact justice from the strongest, and do justice to the weakest; restraining, by all the power of the government, all its citizens from interference with the internal concerns of nations with whom we are at peace.

14. This National Council declares that all the principles of the Order shall be henceforth everywhere openly avowed; and that each member shall be at liberty to make known the existence of the Order, and the fact that he himself is a member; and it recommends that there be no concealment of the places of meeting of subordinate councils.

E. B. BARTLETT, of Kentucky, President of National Council.
C. D. DESHLER, of New Jersey, Corresponding Secretary.
JAMES M. STEPHENS, of Maryland, Recording Secretary.

PLATFORM OF THE AMERICAN PARTY, ADOPTED AT THE SESSION OF THE NATIONAL COUNCIL, FEBRUARY 21st, 1856,

1st. An humble acknowledgment to the Supreme Being, for His protecting care vouchsafed to our fathers in their successful Revolutionary struggle, and hitherto manifested to us, their decendants in the preservation of the liberties, the independence, and the union of these States.

2d. The perpetuation of the Federal Union, as the palladium of our civil and religious liberties, and the only sure bulwark of American Independence.

3d. *Americans must rule America*, and to this end, *native*-born citizens should be selected for all State, Federal, and municipal offices, or government employment, in preference to all others: nevertheless.

4th. Persons born of American parents residing temporarily abroad, should be entitled to all the rights of native-born citizens; but

5th. No person should be selected for political station, (whether of native or foreign birth,) who recognises any allegiance or obligatiou of any description to any foreign prince, potentate or power, or who refuses to recognise the Federal and State constitutions (each within its sphere) as paramount to all other laws as issues of political action.

6th. The unqualified recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good will, between the citizens of the several States, and to this end, non-interference by Congress with questions appertaining solely to the individual States, and non-intervention by each State with the affairs of any other State.

7th. The recognition of the right of the native-born and naturalized citizenss of the United States, permanently residing in any Territory thereof, to frame their constitution and laws, and to regulate their domestic and social affairs in their own mode, subject only to the provisions of the Federal Constitution. with the privilege of admission into the Union whenever they have the requisite population for one Representative in Congress. *Provided always*, that none but those who are citizens of the United States, under the constitution and laws thereof, and who have a fixed residence in any such Territory, ought to participate in the formation of the constitution, or in the enactment of laws for said Territory or States.

8th. An enforcement of the principle that no State or Territory ought to admit others than citizens of the United States to the right of suffrage, or of holding political office.

9th. A change in the laws of naturalization, making a continued residence of twenty-one years, of all not hereinbefore provided for, and indispensable requisite for citizenship hereafter, and excluding all paupers, and persons convicted of crime, from landing upon our shores; but no interference with the vested rights of foreigners.

10th. Opposition to any union between Church and State; no interference with religious faith, or worship, and and no test oaths for office.

11th. Free and thorough investigation into any and all alleged abuses of public functionaries, and a strict economy in public expenditures.

12. The maintenance and enforcement of all laws constitutionally enacted, until said laws shall be repealed, or shall be declared null and void by competent judicial authority.

13. Opposition to the reckless and unwise policy of the present administration in the general management of our national affairs, and more especially as shown in removing "Americans" by designation and conservatives in principle, from office, and placing foreigners and ultraists in their places; as shown in a truckling subserviency to the stronger, and an insolent and cowardly bravado towards the weaker powers; as shown in re-opening sectional agitation, by the repeal of the Missouri Compromise; as shown in granting to unnaturalized foreigners the right of suffrage in Kansas and Nebraska; as shown in its vacillating course on the Kansas and Nebraska question; as shown in the corruptions which pervade some of the departments of the government; as shown in disgracing meritorious naval officers through prejudice or caprice; and as shown in the blundering mismanagement of our foreign relations.

14th. Therefore to remedy existing evils, and prevent the disastrous consequences otherwise resulting therefrom, we would build up the "American party" upon the principles hereinbefore stated.

15th That each State Council shall have authority to amend their several constitutions, so as to abolish the several degrees, and institute a pledge of honor, instead of other obligations for fellowship and admission into the party.

16th. A free and open discussion of all political principles embraced in our platform.

REPUBLICAN PLATFORM.

(*Adopted March* 12, 1856.)

Resolved, That we regard the Republican movement and organization as having been forced upon the country by the unconstitutional and despotic measures and aggressions of the national administration, and the want of any other party occupying a position suitable for combining public sentiment, and rendering it effective for resisting such aggressions, for defending the rights of the people, and vindicating the principles of freedom.

Resolved, That the recent convention at Pittsburg, which first inaugurated the Republican movement as a national organization, was demanded by the circumstances of the

country; that its proceedings were patriotic and judicious, and meet our hearty approval, believing that they have already exerted a powerful influence in inspiring confidence and awakoning exertions in the cause which the convention so ably represented.

Resolved, That this convention, representing a portion of the people of the State, and believing that a majority of our citizens approve our principles and sympathise in our objects, deem the present an auspicious occasion to inaugurate the Republican party in this State, with anticipations that it will form a new political era, productive of results highly beneficial to the interests and honor of the State, and in its relations to the Union, conducive to the peace, the welfare, and freedom of the country.

Resolved, That we regard it a leading object of the Republican movement to vindicate and defend the Constitution against the perversions, interpolations, excisions, and assaults of a sectional monoply interest; to restore the government to its original opinions, and to insure its administration, not in the interests of slavery, but in the interests of freedom, and in the same spirit in which it was founded, and its powers exercised by the fathers of the republic.

Resolved, That the aggressive acts originating in sectional monoply interests which have agitated and alarmed the country, having been consummated in disregard of the plainest provisions of the Constitution, admonish us of the necessity and wisdom of an adherence to those republican doctrines that prevailed in the early days of the republic, which regarded our political system, not as a national or centralized government, but as a compact between sovercign States, each containing all its sovereignty except so far as it had voluntarily surrendered a part of its powers to the confederacy, and which regarded the federal system as having originated from the States, and as possessing only special and limited powers which had been granted to it by the States, and that this grant was the extent and measure of its authority, which cannot be enlarged by construction or implication, or by the exercise of assumed or doubtful powers, without an invasion of the reserved rights and sovereignty of the States. And in accordance with these sound doctrines, there being no grant of power to the federal government in respect to slavery, it cannot uphold or defend it in the Territories, or anywhere else under the flag and authority of the Union, without the exercise of unconstitutional powers.

Resolved, That recent events and disclosures respecting the passage of the Kansas-Nebraska act, and the subsequent action of the administration on the subject, have stamped upon that measure a darker shade of corruption, fraud, injustice, despotism, and violation of public faith unparalleled in the records of modern legislation.

Resolved, That the conduct of the administration in relation to Kansas, both in what it has done and in what it has neglected to do, affords conclusive evidence that it has been its settled purpose to make Kansas a slave State, regardless of the wishas of the people, and in violation of the principles of "popular sovereignty," the establishment of which was alleged to be the object of the Kansas and Nebraska act.

Resolved, That as the federal government has exclusive jurisdiction over the Territories, it is the duty of the President to enforce the laws of Congress, and to protect the people of Kansas; and in the refusal of the President to do so, and in removing Gov. Reeder, who was upholding the authority of the law, the administration is justly responsible for the disorders, lawless acts, and crimes which have been perpetrated there, and all the calamities inflicted on the unoffending people of the Territory.

Resolved, That the recent proclamation of the President, and the instructions of the Secretary of War to the officer in command in Kansas, have placed the administration in the position of co-operating with the border ruffians to subjugate the people of Kansas, and to compel them, by military force, to submit to the usurpation and despotic laws which the Missourians have established over them. This illustrates his doctrine of popular sovereignty.

Resolved, That in view of the present distracted and alarming condition of the country, we see no safety, no way of deliverance, except in the success of the Republican movement; and that we earnestly appeal to the people to complete their organizations in every town in the States, and to sustain the Republican cause with an earnestness and zeal commensurate with its importance, and with the momentous issues depending upon it.

Resolved, That we sympathise with the people of Kansas, exposed to the outrages of the border ruffians, on the one hand, and the unjust acts of the administration on the other; and should the President attempt to execute his threats of compelling, by military force, their submission to usurpation and despotism for the evident purpose of forcing slavery upon them against their will, and against the principle of the organic law of the Territory, we trust that the friends of justice and freedom in the West and North will not quietly witness such wrong to the free people of the Territory, and to their own interests, but will promptly afford them such succor as circumstances may demand, let the consequences be what they may.

THE OBJECTS OF THE ANTI-WAR DISUNIONISTS IN 1812, IDENTICAL WITH THOSE OF THE BLACK REPULBLICAN LEADERS NOW.

More than forty years ago the patriotic Mathew Carey, of Philadelphia, startled the American people by publishing and proving in his invaluable book "The Olive Branch," "That there existed a conspiracy in New England to effect a dissolution of the Union at every hazard, and to form a separate Confederacy."

The object of that warning was to abjure the American people to forget their party names of Democrat and Federalist which separated them, and come up to save the country from a secret and malevolent enemy.

His proof consisted in the demonstration that this conspiracy was governed but by one principle, and that was the creation of a sectional hostility by which they could overthrow this Union. Read his description of the Anti-War and Disunion party of that day."

"They are possessed of inordinate wealth—of considerable talents—great energy and overgrown influence. A Northern Confederacy has been their grand object for a number of years. They have repeatedly advocated in the public prints a separation of the States."

* * * * * * * * * * *

"To sow discord, jealousy and hostility between the different sections of the Union, was the first and grand step in their career, in order to accomplish their favorite object of a separation of the States."

"In fact, without this efficient instrument, all their efforts would have been utterly unavailing. It would have been impossible had the honest yeomanry of the Eastern States continued to regard their Southern fellow citizens as friends and brethren, having one common interest in the promotion of the general welfare to make them instruments in the hands of those who intended to employ them to operate the unholy work of destroying the noble, the august, the splendid fabric of our Union."

"For eighteen years therefore the most unceasing endeavors have been made to poison the minds of the people of the Eastern States towards and to alienate them from their fellow citizens of the Southern. The people of the later section have been portrayed as demons incarnate, and destitute of all the good qualities that dignify or adorn human nature."

One of their writers says:

"The Northern States can subsist as a Nation or Republic without any connection with the Southern. * * * I shall endeavor to prove the impossibility of a Union for any long period in future, both from the moral and political habits of the citizens of the Southern States."

"It thus happens, that a people proverbially orderly, quiet, sober, and rational, were actually so highly excited as to be ripe for rovolution, and ready to overturn the whole system of social order. A conspiracy was formed, which, as I have stated, and as cannot be too often repeated, promised fair to produce a convulsion—*a dissolution of the Union—and a civil war.*"

In order to embarrass the government of Mr. Madison these disunionists opposed the war of 1812. Belonging chiefly to the commercial interests, they opposed a war made to protect those interests. They sympathized with the slave in bondage, and were as ready at that day as this to sever the Union rather than sit in council with the masters, whilst at the same time they traitorously opposed a war as the means of releasing their own sea-faring fellow citizens from worse than servile bondage, their being "eight hundred and seventy-three persons sailing under the American flag which ought to have insured their protection, imprisoned with every circumstance of outrage, oppression, injury injustice.

The patriotic Carey goes on to depict the slavery to which the American

seamen were reduced, from which the disunionists opposed the means of their release.

"We were ordered off the quarter deck, and the captain called for the master at arms, and ordered us to be put in irons. We were then kept in irons about twenty-four hours, when we wer taken out, brought to the gangway, ☞ STRIPPED OF OUR CLOTHES, TIED AND ☞ WHIPPED, EACH ONE DOZEN AND A HALF LASHES, AND PUT TO DUTY."—*Deposition of Richard Thompson, of New York, page* 211, *Olive Branch.*

He goes on to recite innumerable affidavits of the same character.

One Hiram Thayer, a native of Greenwich, Mass., was told by Captain Stackpole a British officer, that "if they fell in with an American man of war, he did not do his duty, ☞ HE SHOULD BE TIED TO THE MAST AND SHOT LIKE A DOG."

But they wanted to dissolve the Union, and they resisted the efforts of a Southern President to set their *own fellow citizens free* from bondage.

They did not hate slavery. They hated the Union. It is the same case now.

HOW THEY OPPOSED THE WAR.

Some of the clergy at that day, as at this, denounced the government for passing an act (The Declaration of War,) of which they did not approve. Let us compare them with their successors.

The Rev. Mr. Gardiner, Rector of Trinity Church, Boston, on the 23d July 1812, said:

"The alternative then is, that if you do not wish to become the slaves of those who own slaves, and who are themselves the slaves of French slaves, you must either in the language of the day, ☞ CUT THE CONNEXION, or so far altar the national compact, as to insure yourselves a due share in the government."

"THE UNION HAS BEEN LONG SINCE VIRTUALLY DISSOLVED; AND IT IS FULL TIME THAT THIS PART OF THE DISUNITED STATES SHOULD TAKE CARE OF ITSELF." Idem, page 19.

Rev. David Osgood pastor of the Church at Medford, said:

"If at the command of weak or wicked rulers, they undertake an unjust war, each man who volunteers his services in such a cause, or loans his money for ite support, or by his conversation, his writings, or any other mode of influence, encourage its prosecution that man is an accomplice in the wickedness, ☞ loads his conscience with the blackest crimes, ☞ brings the guilt of blood upon his soul, and ☞ IN THE SIGHT OF GOD AND HIS LAW IS A MURDERER." *Discourse delivered June* 27, 1812, page 9.

Rev. Elijah Parish, D. D., said:

"*Here we must trample on the mandates of despotism*!!! or here we must remain slaves forever." Idem, page 13.

"You may envy the privilege of Israel, and mourn that *no land of Canaan has been promised to your ancestors.* You cannot separate from that mass of corruption, which would poison the atmosphere of paradise. You must in obstinate despair bow down your necks to the yoke, and with your African brethren drag the chains of Virginia despotism, *unless you discover some other mode of escape.*" Idem, page 15.

"The legislators who yielded to this when assailed by the manifesto of their angry chief, *established iniquity and murder by law.*" Idem, page 9.

Compare the Disunion preached of that day with the Disunion preached at the present day. Look at the treasonable sentiments of the Beecher of 1855, contained in the pamphlet entitled "Fearful Issue, &c.," in this volume, and compare them with those of the Gardiners, Osgoods and Parishes of Mr. Madison's time. They assailed him and the Union then, as they assail the Kansas Act and the Union now.

But it happens that we can from the public records identify at least one individual who was the active advocate of dissolution then, and has avowed the

same sentiments now. He was then indifferent to the far worse than plantation bondage in which we have shown his own fellow-citizens were held by the British *then*, yet he affects to make his horror of slavery *now*, his excuse for avowing the same doctrines:

"Mr. Quincey repeated and justified a remark he had made: which, to save all misapprehensions, he committed to writing in the following words:

"If this bill passes, it is my deliberate opinion, that it is virtually A DISSOLUTION OF THE UNION; that it will free the States from their moral obligation; and as it will be *the right of all*, so it will be the *duty of some*, TO PREPARE FOR A SEPARATION, *amicably if they can*—VIOLENTLY IF THEY MUST."

NOW HEAR THE SAME JOSIAH QUINCEY!

Josiah Quincey is the venerable head of a large class of men in Boston, who are constantly at work against the Union. During the late war with England he began his crusade against the Union, and surpassed its worst adverseries. He assailed Mr. Jefferson for his purchase of Louisiana, in 1803, because this was intended, in his opinion, to extend the area of Slavery. Though past eighty-five, he is still the enemy of the Democracy. *He is now in the field for Fremont.* What his views now are, may be seen from the following extract from his speech, at Boston, on the 18th of August, 1854.

"The Nebraska fraud is not that burden on which I intend now to speak. There is one nearer home, more immediately present and more insupportable. Of what that burden is, I shall speak plainly. The obligation iucumbent upon the free States to deliver up fugitive slaves is that burden—*and it must be obliterated from that Constitution, at every hazard.*"

"And such an obliteration can be demonstrated to be as much the interest of the South as it is of the North."

This man knows that we should have no Union or Constitution, but for this very provision!

Josiah Quincy is still in the land of the living; and though approaching his ninetieth year, is still as hostile to the Union as he was fifty-three years ago, while Jefferson was President, or at a later period, when Jackson was chief magistrate.—*Fearful Issue.*

For the sentiments in detail of the noted Black Republican disunionists of the present day, which afford the striking resemblance between them and those in Mr. Madison's time, we must refer our readers to the admirable document in this volume before referred to, from which the preceding pointed observations upon Mr. Quincey are taken.

PLANS OF THE DISUNIONISTS THEN—PLANS OF THE BLACK REPUBLICANS NOW.

They attempted to "stop the wheels of Government" by preventing the loan of money to carry on the war.

"Let no man who wishes to continue the war by active means, by vote or lending money, DARE TO PROSTRATE HIMSELF AT THE ALTAR ON THE FAST DAY; for they are actually as much partakers in the war, as the soldier who thrusts the bayonet; and THE JUDGMENT OF GOD WILL AWAIT THEM."

"By the magnanimous course pointed out by governor Strong, that is, by withholding all voluntary aid in prosecuting the war, and manfully expressing our opinion as to its injustice and ruinous tendency, we have arrested its progress; and driven back its authors to abandon their nefarious schemes, and to look anxiously for peace. What then if we now lend them money? They will not make peace; they will still hanker for Canada; they will still assemble forces, and shed blood on our western frontier. Mere pride, if nothing else, would make them do it. The motives which first brought on the war, will still continue it, if money can be had. But some say—will you let the country

become bankrupt? no, the country will never become bankrupt. BUT PRAY DO NOT PREVENT THE ABUSERS OF THEIR TRUST BECOMING BANKRUPT."

"It is very grateful to find that the universal sentiment is, that ☞ ANY MAN WHO LENDS HIS MONEY TO THE GOVERNMENT, AT THE PRESENT TIME, WILL FORFEIT ALL CLAM TO COMMON HONESTY AND COMMON COURTESY AMONG ALL TRUE FRIENDS TO THE COUNTRY!!!!!!"

"☞ My brother farmers, if you have money to let, let it lay. ☞ If the war continues, you will purchase your stock at four years old, cheaper than you can raise it; so unjust is this offensive war, in which our rulers have plunged us, in the sober consideration of millions, that ☞ they cannot conscientiously approach the God of armies for his blessing upon it."—[Boston Centinel, 13th January, 1813.

The Disunionists attempted to exhaust the means of the Middle and Southern States which supported the war, by draining their banks of specie.

"It may not be uninstructive to the reader to explain this process a little more in detail. New York purchased goods largely in Boston, partly for bank notes and partly on credit. For the latter portion promissory notes were given, which were transmitted from Boston to the New York banks for collection. Very large purchases were likewise made in Boston by citizens of Philadelphia, Baltimore, Richmond, Petersburg, &c. Payments were made in bank notes, of the middle and southern States, and in promissory notes. Both were sent on to New York, the first for transmission to the banks whence they were issued—and the second for collection.

"This state of things suggested the stupendous idea, at which the reader will stand aghast, of wielding the financial advantages then enjoyed by Boston, to produce the effect which the press and the pulpit had failed to accomplish—that is, *to stop the wheels of government by draining the banks in the middle and southern States of their specie, and thus producing an utter disability to fill the loans!!!* This scheme was projected in the winter of 1813–14—and immediate arrangements were made to carry it into execution."

"A fearful alarm spread through the community. The issue was looked for with terror. Wagons were loading with specie at the doors of our banks almost every week. There have been three at one time loading in Philadelphia. The banks throughout the middle and southern States were obliged to curtail their discounts. Bankruptcies took place to a considerable extent."

The result was that the Banks in Massachusetts soon had $4,945,444 specie in their vaults to $2,000,601 circulation.

"To render the stroke at public credit more unerring—and to place the result wholly out of the reach of contingency, there was an arrangement made by some persons at present unknown, with agents of the Lower Canada, whereby an immense amount of British government bills, drawn in Quebec, were transmitted for sale to New York, Philadelphia, and Baltimore, and disposed of to monied men, on such advantageous terms as induced them to make large purchases. And thus was absorbed a very large portion of the capital of these three cities."

By such means they were determined then to repeal the declaration of war as their successors are now to repeal the Legislation of Kansas.

The further effect in the Middle and Southern States is shown by Mr. Carey.

"These drafts were carried to such a great extent, that on the 26th of August the banks in Baltimore—on the 29th those in Philadelphia—and on the 31st those in New York, were reduced to the painful neeessity of suspending the payment of specie."

THE DISUNIONISTS DICTATED THE HIGHER LAW AS THE MEANS OF DEFEATING THE GOVERNMENT.

"Administration hirelings may revile the Northern states, and the merchants generally, for ☞ *this monstrous depravation of morals,* ☞ *this execrable course of smuggling and fraud* But there is a just God who knows how to trace the causes of human events: and ☞ *he will assuredly visit upon the authors of this war, all the iniquties of which it has been the occasion.* ☞ *If the guilty deserve our scorn or our pity,* ☞ *the tempters and seducers deserve our execration.*"

Thus we have the Higher Law recommended by the Disunionists as justifying resistance to an "odious and unjust war," as it has been since in resisting what is called by them, an "unjust and odious" Fugitive Slave Law.

Can there be any further doubt that the objects and plans of these two parties are the same?

We have only to recapitulate, to bring to the eyes and mind of the reader the identity of the two.

Both resorted to Anti-Slavery agitation, to divide the two sections.

The Disunionists of 1812 said that the South governed the North by its slave representation.

The Disunionists of 1856 say that the South commits an act of aggression upon the North, by leaving to the people of Kansas to choose whether they will own slaves or not.

Both employed a minority to effect their purposes.

The Disunionists of 1812, having no department of the Government, employed the wealth and corporate combination of an outside minority.

The Disunionists of 1856 employ the Legislative majority of two or three in one branch of the National Congress to compel the passage of an act which they want, and which the other Branch and Executive Departments of the Government do not want, as a condition to their consent to the passage of an act alike indispensable to the interests of all.

Both attempted to embarrass the Government into compliance with their purposes, by stopping the supplies necessary to national defence. The Disunonists of 1812, by defeating the War loan. The Disunionists of 1856, by withholding the pay of the officers, soldiers and artificers, and thus disbanding the army.

The object of the one was the repeal of the act declaring war against Great Britain.

The object of the other was the repeal of the act authorizing the admission of Kansas with a free or slave constitution.

Are not their purposes identical, and should you not fellow citizens sacrifice your party differences now, as your fathers did then, to the peace of the country and the duration of the Union?

HYPOCRISY OF ABOLITION ORATORS.

House of Representatives,
August 11, 1856.

Sir:—In compliance with your request, I forward to you a copy of the bill of sale from Dr. Joseph E. Snodgrass, the travelling Abolition orator, conveying to Daniel Burkhart two slaves. I cannot comply with your farther request to have it certified under the seal of the Clerk of the County Court. It has never been recorded, as it is not usual in Virginia to record such instruments, nor does the law require it where the sale of a slave, or other personal cheatel is accompanied by the transfer of possession rom grantor to grantee, as was the case in the transfer of the slaves by Dr. Snodgrass

to Mr. Burkhart. The copy I send to you is in the handwriting of Mr. Burkhart, with which I am well acquainted, and who in person handed it to me. Mr. Burkhart is a gentleman of great intelligence and worth. He was for many years a magistrate of the county of Berkley, and is at this time the cashier of the Bank of Berkeley, Virginia. Dr. Snodgrass will not dare to deny the genuineness of this paper, nor will he dare to deny that he first made sale of all the slaves which he inherited from his father, and put the price of flesh and blood into his pocket, before he assumed the vocation of teaching his fellow men what an atrocious crime it is to hold a human being in bondage. Such hypocrites and impostors should be scouted from every stand from which they attempt to address the people.

Know all men by these presents, That I, Joseph E. Snodgrass, of the city of Baltimore, in the State of Maryland, for and in consideration of the sum of eight hundred dollars to me in hand, paid by Daniel Buckhart. the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do bargain and sell into the said D. Buckhart, a negro man, named Charles, of about the age thirty-six years; also, a negro woman, wife of the said Charles, named Emily, aged abont nineteen years, together with the natural increase of the said Emily. And I, the said Joseph E. Snodgrass, for myself and my heirs, executors, and administraters, do hereby warrant the said negroes and their increase to be slaves for life. In testimony whereof, I have hereunto set my hand and seal this 1st day of December, 1838.

(A copy,) JOSEPH E. SNODGRASS. [SEAL.]

A STUPENDOUS IMPOSTURE EXPOSED.

The Black Republicans are circulating for the purpose of poisoning the minds of our Irish fellow-citizens thousands of a fraudulent pamphlet purporting to be an address from their countrymen in Washington, imposing the acquittal of Mr. Herbert for killing Thomas Keating upon the Democratic party of the country. The following card from the alleged signers of the address exposes the fraud.

A CARD.

WASHINGTON CITY, *August* 28, 1856.

Finding our names appended to a printed document, published in this city for the benefit of the Republican party in the pre ent political canvass, headed "THE KILLING OF THOMAS KEATING.—AN ADDRESS FROM IRISHMEN OF WASHINGTON CITY TO THE CITIZENS OF THE UNITED STATES," we desire to make known the fact that some of us have not signed it, and that all of us disapprove, disavow, and deny its political statements. Those of us who did sign it were induced so to do by misrepresentation of its purport and contents on the part of an individual who, in asking our signatures to it, assured us that it was only to be a history of the killing of Thomas Keating, and of the circumstances of the imprisonment, trials and final acquittal of Philemon T. Herbert, the perpetrator of that act, designed as a precursor of the publication of the speech of Mr. Preston delivered on the last trial of Herbert, printed in advance of the publication of that speech, so that the distant public might have a reliable key to his argument.

* * * * * * * * * *

We pronounce false the statement of the aforesaid document intimating that the Secretary of State—Mr. Marcy—sought to screen the accused, by lending his influence to prevent Mr. Dubois, the Netherlands Minister from testifying in the case; that gentleman's Govornment having expressly forbid him from testifying under circumstances wherein he would be compelled to submit himself to the usual cross-examination, the only system of giving testimony known to our laws, and Mr. Dubios having asked permission of his Government to testify in that way at the suggestion and solicitation of Secretary Marcy.

* * * * * * * * * *

We are humble men, but we respect ourselves and our rights which have been outraged by those unknown to us, who have undertaken for political effect to use our

names as we have explained above. We have to ask those conducting journals of all parties who respect the truth, to spread before their readers this brief card.

Patrick M. Keating,	Charles Quinn,
Rd. B. Gardiner,	James Quinn,
Daniel Shea,	Jere H. Riordan,
Peter Mansville,	John Green,
John Enright,	John Roach,
Wm. Roach,	John Keating.
Edmund Roach,	Edward Gorman,
Patrick Branagan,	David Roach,
Wm. Scherager.	

FREMONT THE DUELLIST.

The Black Republicans have been poisoning the northern mind with the idea that the Southern men are all bullies and fighting men, disposed rather to resort to the persuasion of the bludgeon than to the arguments of reason.

The case of the Hon. Preston S. Brooks, and other incidents resulting from an extraordinary existence of excitement, have been cited to sustain this assertion. We do not blame Col. Fremont for what he has done in that line, but we publish the following as antidotes to the poison which has been infected into the public mind by his friends.

These incidents show him to be the cool calculating, revenge-seeking duellist.

His first challenge was sent to Col. Mason, in 1847. It was as follows:

"CUIDAD DE LOS ANGELES, April 14, 1847.

"SIR:—An apology having been declined, Major Reading will *arrange the preliminaries for a meeting requiring personal satisfaction.*

Very respectfully, your obodient servant,

"J. C. FREMONT,

"Lieut. Col. Mounted Riflemen.

"Col. R. B. MASON,

"First dragoons, Cuidad de los Angeles."

Col. Mason requested time to go to Monterey to arrange his *private* afiairs previous to their meeting. Col. Fremont thus replied:

"CUIDAD DE LOS ANGELES, April 15, 1847.

"SIR:—I am in receipt of your letter of this date, and in reply have the honor to state that I will hold myself in readiness for a meeting at Monterey, at such time as you may designate.

"I am, very respectfully, your obedient servant,

"J. C. FREMONT,

"Lieut. Col. Mounted Riflemen.

"Col. R. B. MASON,

"First Dragoons, Cuidad de los Angeles."

Col. Fremont repaired to Monterey, and presented himself at Col. Mason's headquarters, to let Mason see he was in Monterey, but would not sit down. Gen. Kearney and Com. Biddle, hearing of the proposed meeting, wrote the parties, forbidding the meeting.

Col. Fremont thus replied to Col. Mason's letter.

"MONTEREY, May 22, 1847.

"SIR:—I have the honor to acknowledge the receipt, on yesterday, of your note of the 19th inst., accompanied by a copy of a letter from Com. Biddle to yourself.

"The object of your note appears to be to induce me to consent to a further, and indefinite postponement of a meeting. If such be your desire I am willing to comply with

it, trusting that you will apprise me *of the earliest moment at which the meeting can take place consistently with your convenience and sense of propriety.*

"I am, most respectfully, your obedient servant,

"JOHN C. FREMONT.

"Col. R. B. Mason, Monterey."

THE FOOTE AND FREMONT DIFFICULTY.

The difficulty between Senators Foote and Fremont grew out of the circumstance that Foote charged Fremont, in the Senate, with seeking legislation in reference to the gold mines for the sake of his own private advantage, which Fremont pronounced false.

Afterwards they met in the ante-chamber, when Fremont struck Foote and brought blood. They were immediately separated by Senator Clarke. Subsequently, Fremont addressed a note to Foote, demanding a retraction of the language used by him in debate, to be signed in the presence of witnesses, and a challenge note was left if he refused.

Mr. Foote declined to sign the paper, but addressed a note in reply to Fremont, disclaiming any intention of giving any personal offence in the language used by him in debate.

The friends of both parties considered this satisfactory to Fremont, but, at his instance, the note of Mr. Foote was submitted to Col. Benton, who consented to an arrangement. The following card was the result:

Washington, September 28, 1850.

A. Card.—The unnersigned are authorized to state that the difficulty between the Hon. H. S. Foote and the Hon. J. C. Fremont, growing out of certain expressions used by the former in relation to the California bill in the Senate last evening, has been adjusted satisfactorily and honorably to both those gentlemen.

Signed,

A. C. Dodge,
W. M. Gwin,
Henry W. Sibley,
Rodman M. Price.

CHARGE OF BARGAIN AND INTRIGUE.

Referring to the document entitled "Short Answers, &c.," embraced in this volume, relative to the connection of Mr. Buchanan with the charge of bargain and intrigue against Mr. Clay, we cite some additional facts bearing thereon. See what Gov. Letcher, in a recent speech at Mayslick, Kentucky, said, "that Mr. Buchanan was his personal friend—that he was a gentleman and a patriot, for whom he entertained a high regard—*and he could not say a word against his character as a man.* He did not like his political sentiments, and opposed him on that account."

Gov. Letcher, be it remembered, is the witness upon whom the opposition editors have relied to prove Mr. Buchanan the calumniator of Mr. Clay!

George E. Badger a prominent supporter of Mr. Fillmore in North Carolina connection with the charge. Mr. Badger is one of those old line Whigs who can't support Mr. Buchanan.

Mr. Badger, in his address to his constituents in 1828, said:

"Mr. Clay, of Kentucky, was one of the four candidates for President; but having the lowest number of electoral votes, was excluded from the House. The State from which he came had instructed her members, in the event which had then happened, to support General Jackson; but, under the influence of Mr. Clay, a man of intrigue, and of eloquence, of unbounded ambition, and of talents above mediocrity, these members, with those of other western States, voted for Mr. Adams, and his election was the result. Immediately after his elevation, Mr. Adams appointed Mr. Clay Secretary of State, in

power and influence the second station of our government, and generally thought to be an introduction to the first.

"Between these two gentlemen there had been previously neither confidence nor affection; and Mr. Clay had public expressed, in language not to be misunderstood, a disbelief of Mr. Adams's political integrity and patriotism. How, then, are you to account for Mr. Clay's support of Mr. Adams, in opposition to the declared wishes of Kentucky.

* * * * * * * * * * *

"Take the facts, and answer for yourselves whether it be harsh or uncharitable to conclude that he voted for Mr. Adams in the expectation of being Secretary of State, and that this expectation decided his vote. Let the friends of Mr. Clay protest against the conclusion with whatever of earnestness they can press into the service, and the common sense of mankind will still find in his conduct the grounds of serious suspicion. They may contend that there is not proof to convict him in a court of justice, and subject him to an ignominious punishment. If this were allowed, it will avail them nothing, for the inquiry is not about inflicting punishment on Messrs. Adams and Clay; it is about the propriety of continuing them in public stations of power and influence: and, with due submission, the difference is vastly important. We pity the miserablh wretch dragged to the bar, for whom the scaffold or whipping-post is in waiting; and the humanity of the law coincides with our own compassion in pronouncing that doubt shall be followed by acquittal; but to him who claims our confidence, probable suspicion is just ground for refusal; and many are the men dismissed by an acquittal from a court of justice, who, upon grounds which the law cannot notice, stand condemned before the tribunal of public opinion. Aaron Burr was acquitted—and rightfully acquitted, too—for want of evidence; but think you he is a fit object to attract confidence?—is he entitled to support?

Andrew Jackson Donelson, the Know-Nothing candidate for the Vice-Presidency, connection with the Bargain and Intrigue slander.

Now, A. J. Donelson, in August, 1844, as chairman of a Democratic Mass Meeting, in announcing the circumstances which prevented the arrival of Hon. Lynn Boyd, of Kentucky—

"Called the attention of the meeting to the fact that Mr. Boyd was the distinguished Kentuckian who had charged and proved upon Mr. Clay, in his place in Congress, the charge of 'Bargain, Intrigue and Corruption' in the Presidential election of 1825, and who had been sustained by his constituents in his course, he therefore proposed nine cheers for Lynn Boyd and the Democracy of his district."

There is consistency.

MR. BUCHANAN AND THE BANKRUPT BILL.

The enemies of Mr. Buchanan are charging him with having voted for the Bankrupt Bill. The Hon. David S. Reid, a Senator from North Carolina, has written a letter entirely disproving the charge. We extract from it the following record evidence:

"At the time this act was passed, Mr. Buchanan was in the United States Senate, and on July 24, 1841, he is recorded as voting against the passage of the bankrupt bill. See Senate Journal for that session, page 115. On the same day Mr. Buchanan made a speech against the bill. (See appendix to Congressional Globe for that session, p. 205.)

"On February 25, 1843, Mr. Buchanan is recorded as voting for the repeal of the bankrupt law. (See Senate Journal for that session, p. 229.)

"When the act passed Mr. Fillmore was a member of the House of Representatives, and on August 18, 1841, he is recorded as voting for the bankrupt bill. (See House Journal for that session, p. 879.) Mr. Fillmore made a speech in favor of the passage of the bill August 16, 1841. (See appendix to Congressional Globe for that session, p. 480.)

"On January 17, 1843, Millard Fillmore is recorded as voting against the repeal of the bankrupt act. (See House Journal for that session, page 215.)

"It will, therefore, be seen that Mr. Buchanan *did not* vote for the bankrupt law, but that Mr. Fillmore *did;* and moreover that Mr. Buchanan voted *for the repeal* of the law, while Mr. Fillmore voted *against the repeal.*"

MR. BUCHANAN VINDICATED FROM THE CHARGE OF HAVING VIOLATED THE SUB-TREASURY LAW BY DEPOSITING MONEY IN SIMON CAMERON'S BANK.

We wish to fix attention on the specific charge that "Mr. Buchanan, while Secretary of State, wrote to Mr. Polk recommending $50,000 to be deposited in Simon Cameron's bank," &c. This letter, the Post is informed, contains sufficient evidence to send Mr. Buchanan to the state prison for a violation of the sub-treasury law. If this charge is true, Mr. Buchanan ought not to be elected president; and if true, the proof ought to be obtained from the proper department to establish it. To show how basely false the charge is, we ask attention to the following facts, which appear by the official records:

"Mr. Buchanan entered upon his duties as secretary of State, under Mr. Polk, *on the 4th of March*, 1845. The sub-treasury law was passed *on the 6th of August*, 1846.

"On the 4th of November, 1844, the books of the treasury department show that the deposits of $50,000 was made in Mr. Cameron's bank at Middletown, Pennsylvania.

"The deposite, therefore, which the Post says was recommended by Mr. Buchanan's letter addressed to Mr. Polk, was made by Mr. Tyler, just four months before Mr. Buchanan was appointed secretary of State by Mr. Polk, and just twenty-one months before the sub-treasury law was passed."

TRIUMPHANT VINDICATION OF MR. BUCHANAN BY THE MECHANICS OF HARPER'S FERRY, VA.

MEETING OF THE MECHANICS OF HARPER'S FERRY, VIRGINIA.

A very large and enthusiastic meeting of the mechanics of Harper's Ferry was held in that place on the 12th of August, 1856, at which, on motion, JOHN PRICE, Esq., was called to the chair, and THOMAS W. SHRIVER, Esq., appointed secretary.

On motion, a committee, consisting of Captain William H. More, T. S. Duke, and Michael E. Price, Esqs., was appointed to draught resolutions expressive of the sense of the meeting in regard to the base calumnies which have been circulated, charging Mr. Buchanan with being unfriendly to the interests of the working men of the country.

The committee, retiring for a short time, came into the meeting and made their

REPORT.

The mechanics of Harper's Ferry having seen, with much regret, the unprincipled effort of the enemies of the Hon. James Buchanan to revive and fasten upon him the charge of having advocated a reduction of the wages of mechanical labor to the rate of "ten cents a day," have deemed it a duty to one who has so long and so consistently represented the interests of the industrial classes, to examine and refute this infamous charge, as contrary to history and reason, and contradictory to the whole tenor of his private life and public record.

In proceeding with this refutation, we cannot suppress our honest indignation at the impudent imputation upon the intelligence of the American mechanics which the circulation of this calumny implies. Who are the mechanical classes of our country? Are they like the menial millions of Europe, oppressed by class combinations, kept in the most profound ignorance of everything except the manual skill necessary to execute some special article of social consumption, and living upon an allotted pittance of their own labor?

Are they so far debarred the privilege to read and reason as that they may be misled by the charge that one who has been through life their benefactor and advocate has deliberately tried to deprive them of a just compensation for their labor and the honest support of their families?

Is it supposed that they cannot discriminate between truth and falsehood? or distinguish an honest friend from a concealed enemy?

Enjoying, then, the same advantages of acquiring information with other citizens of the republic, accustomed to discuss and investigate for themselves public questions in which their rights are involved, they have appealed to the records of the country to testify upon the truth or falsity of the charge referred to.

Before, however, proceeding with the investigation of the subject, the mechanics of Harper's Ferry may be pardoned in taking a peculiar interest, when it is known that they stand under especial obligations to the statesman whose character they intend to vindicate.

It will be remembered that, in the year 1841, an effort was made to commit the direc-

tion of the mechanical labor employed in the manufacture of fire arms to officers of the army of the United States. The injustice of this measure occasioned an appeal to Congress, and amongst the most earnest and efficient advocates of continuing the mechanical construction of military weapons in the hands of a practical and mechanical civilian was the Hon. James Buchanan, as will be seen by reference to his whole congressional history, and the following letter addressed by him to a member of the committee sent from the Armory at this place to advocate the desired relief:

(Here the Mechanics publish Mr. Buchanan's letter of July 24, 1842, contained on page 25 of the document called Short Answers, in this volume.)

We proceed with a narrative of historical facts, necessary to the intelligent comprehension of this infamous charge.

During the currency war, which followed the delivery of the country from the monster monopoly of the United States Bank, Mr. Buchanan advocated the establishment of the independent treasury. One argument used by the enemies of this indpendent measure was that it was designed to prostrate the whole banking system, and introduce a metallic currency. Assuming that this was the purpose of its advocates, it was a natural inference that such a financial revolution must paralyze the monetary and industrial interests of the country. The wages of the mechanic and laborer must sympathize with this universal embarrassment, and great suffering would result to all who depended upon the sweat of their brows for an honest maintenance. Such were the consequences attributed by its enemies to the establishment of the independent treasnry. The consequences then were denied and controverted by its friends. They disavowed any intention to overthrow the institution of credit. They demonstrated that such an effect treasury would reduce the wages of labor.
would not follow the measure. They denied that the establishment of the independent

It was a bold step on the part of the panic-makers that they should have ascribed to Mr. Buchanan an admission of the very imputation which himself and others so vehemently denied. Yet it seems that a senator of that day, whose *soubriquet* of *honest* John Davis was not certainly conferred upon him for the merit of fairness towards his political antagonists, charged Mr. Buchanan with having advocated the independent treasury for the express purpose of bringing down the wages of labor. Having assumed that this consequence was intended and desired by Mr. Buchanan, this honest John Davis added in the appendix of his speech the rates of daily labor allowed as the rule of mechanical compensation under the despotisms of Europe, as that to be established by the independent treasury in this country; another and an inferior set of calumniators reduced this fallacy to a simpler formula of falsehood, and asserted that Mr. Buchanan had declared himself in favor of fixing the wages of American laborers and mechanics "at ten cents a day!" Thus did this calumny originate.

Time has vindicated the wisdom of Mr. Buchanan and of those who aided him in separating the federal government from the monetary concerns of the country. It has shown that the predictions of the panic-makers have been falsified by the whole fiscal history of the country. The Bank of the United States has been discontinued; yet the currency is uniform and readily convertible. Domestic exchanges rule below the average rate during the bank regime. Commerce is prosperous. Manufactures flourish, and the wages of labor are steady and liberal. If the object of those who introduced the independent treasury had been to reduce the wages of labor, they should long since have set about its repeal. The preposterous consequences predicted by the panic-makers have not followed its establishment. The friends of the independent-treasury system point to the prosperity which prevails as a vindication of the wisdom that designed it.

Mr. Buchanan was never the representative of corporate or associated wealth. The Bank of the United States, with its whole affiliated influence, located in the metropolis of his own State, appealed to him in vain. He steadily represented the great agricultural, mechanical, and mineral interests. He still represents their interests, and it would be ridiculous to say that he had deserted them, and that they have nevertheless continued their unabated confidence in him for more than twenty years.

If any specific evidence of the interest taken by Mr. Buchanan in the misfortunes of the mechanic was wanting, it will be found in the following letter to the Secretary of the Navy, imploring him to afford temporary employment to five hundred mechanics thrown suddenly out of work at the Philadelphia navy-yard in 1837:

(Here the mechanics publish Mr. Buchanan's letter of December 26, 1837, contained on page 26, of the document called Short Answers, in this volume.

It will be seen from this report that we have examined this charge against Mr. Buch-

anan historically, logically, and by the test of those motives which usually influence the relation between representative and constituent. From this investigation we are satisfied that the charge is absurd, groundless, and malicious, and that it ought to be withdrawn by every antagonist who makes the least pretension to fairness or to justice.

Resolved, therefore, that the mechanics of Harper's Ferry have seen with regret that the malignant spirit of party has endeavored to impair the confidence of the laboring men of the country in the integrity of Hon. James Buchanan, by charging him with a wish to reduce the rates of compensation for their labor to a degrading scale of wages, established by the class-combinations of Europe.

Resolved, That the whole public history of Mr. Buchanan proves him to have been the representative of the laborious and intelligent class of American citizens upon which the power and prosperity of the republic must depend, of which he is a native, to which he owes every representative position which he has ever held, and to which he has dedicated the patriotic labors of a long and virtuous life.

Resolved, That with an impartial determination to examine every charge brought against the candidate of their choice, the mechanics of Harper's Ferry are satisfied that the charge that the Hon. James Buchanan has ever advocated a low rate of wages for the laboring man is contrary to the whole tenor of his private acts, to the charity and justice of his nature, and to the democratic theory by which his whole public actions have been regulated, and we pronounce these charges false, absurd, and malicious.

On motion, the above preamble and resolutions were adopted unanimously.

The meeting then adjourned.

JOHN PRICE, Chairman,

THOMAS W. SHRIVER, Secretary.

OLD LINE WHIGS OF THE COUNTRY IN FAVOR OF MR. BUCHANAN.

OLD LINE WHIGS IN MARYLAND FOR BUCHANAN.

Hon. Thomas G. Pratt, Hon James Alfred Pearce, present United States Senators.

Hon. William D. Merrick, former United States Senator.

Capt. Richard T. Merrick, son of the above.

Hon. Thomas F. Bowie, of Prince Georges, now in Congress.

Hon. Revedy Johnson, former United States Senator and Attorney General under General Taylor.

William R. Gaither, President of the State Senate.

Hon. John B. Eccleston, of Kent, one of the Judges of the Court of Appeals.

Hon. Ezekiel F. Chambers, former United States Senator and Judge of this Judicial District.

Hon. Isaac D. Jones, of Somerset.

Hon. John W. Crisfield, of Somerset.

Samuel Hambleton, Esq., of Talbot, former State Senator.

Henry H. Goldsborough, Esq., lawyer of Talbot.

Daniel F. Henry, Esq., of Dorchester, former Whig candidate for Congress.

George W. P. Smith, Esq., editor of the Snow Hill Shield.

Hon. William T. Goldsborough, formor State Senator and Whig candidate for Governor.

R. W. Dirickson, of Worcester, former member of the Legislature.

Col. Joseph Wickes, of Charlestown, former Deputy Attorney General for Cecil and Kent.

Hon. Alexander Evans, of Cecil, former Representative in Congress.

George Earl, Esq., of Cecil.

John A. Croswell, of Cecil.

John C. Morgan, of St. Mary's.

John T. Dorsey, of Howard county, former member of the Legislature and member of the Reform Convention.

William H. Dorsey, of Baltimore, brother of the above.

S. Teakle Wallace, of Baltimore, a prominent lawyer and former Whig speaker.

Thomas Yoates Walsh, of Baltimore, former member of Congress.

William H. Gatchell, Esq., lawyer of Baltimore.

Robert M. Magraw, Esq., of Baltimore, President of Susquehannah Railroad.

Thomas Donaldson, Esq., of Howard county, former member of the Legislature and member of the Convention which formed the present constitution of the State.

John K. Longwell, of St. Mary's county, former member of the Legislature.
Benedict I. Heard, of St. Mary's county, a prominent Whig.

OLD LINE WHIG LAWYERS IN CINCINNATI FOR MR. BUCHANAN.

Judge James,
Judge M. R. Tilden,
Judge Saffin,
C. Anderson, Esq.,
Joshua Bates, Esq.,
N. Longworth, Esq.,
T. Nesmith, Esq.,
D. Worthington, Esq.,
J. Worthington, Esq.,
Judge T. M. Key,
Judge W. Johnson,
Hon. E. H. Spencer,
Alex. Johnson, Esq.,
A. S. Sullivan, Esq.,
L. Anderson, Esq.,
Patrick Mallon, Esq.,
T. Jones, Esq.,

We add the following:

Hon. George Evans, Maine,
Hon. E. W. Farley, Maine,
Hon. Rufus Choate, Mass.,
Hon. James C. Jones, Tenn.
Hon. A. G. Talbott, Ky.,
Hon. William Preston, Ky.,
Hon. J. P. Benjamin, La.,
Hon. Josiah Randall, Penn.,
Hon. William B. Reed, Penn.,
Hon. I E. Hiester, Penn.,
Hon. T. J. Michie, Va.,
And a host of others.

TO THE OLD LINE WHIGS.

The following address taken from the National Intelligencer of the 27th of October, 1840, was issued by the State Whig Central Committee to the Whig Party in Maryland, and shows the doctrine of the Whig party, both as to the naturalization and the Catholic question.

Many sincere Whigs, who in the present contest are heart and hand with the Democratic party, will rejoice to know that the Whig doctrine, years ago, was that a discussion of religious creeds should not be brought into political contests. They stand *now* where they stood in 1840, and extend the hand of fellowship to all who fight the same great battle:

TO THE WHIGS OF MARYLAND.

The undersigned, as members of the Whig Central Committee of the State, have deemed it their duty to present this statement of their views. The Whigs of Maryland will, we have no doubt, sustain this proceeding, and acquiesce in its propriety.

Gen. Duff Green, as editor of the Pilot, has discussed in his paper subjects which, in the opinion of the undersigned, have no proper connection with the Presidential election. Within a few days this gentleman has published a prospectus for a newspaper, in which he expresses his determination to continue, after the election, discussions on questions with which the Whig party has not been, and will not be identified. As an individual, Gen. Green has an undoubted right to take such a course as his own judgment may approve. As an editor of a party paper, he has thought proper to persevere in conduct which he knew was disapproved of by the Whig party of Maryland. He has repeatedly been requested to avoid all discussions in reference to religious sects, but such requests have always been disregarded. He has ever assumed the position that he alone is responsible for what may appear in his editorial columns. This is undoubtedly true; and our object now is to make this manifest beyond all dispute to the people of Maryland. We now emphatically declare that the Whig party is not in any way, or to any extent, responsible for what has heretofore been published in the Pilot on the subject of Catholicism and naturalized voters, and will not be responsible for what Gen. Green may be pleased hereafter to do.

It is our decided conviction that the election contests in this country are already sufficiently exciting and absorbing in their character. If the differences of opinion between the religious denominations are to be appealed to, and to be used as incentives to party action, no man can forsee how terrible may be the result. Heretofore, after the elections have been settled by the ballot box, a calm has succeeded the political storm. With the close of the contest have subsided the excited and often angry feelings which prevailed during its continuance. Those who were alienated one from the other by political dis-

cussions have generally returned to their friendly relations after the settlement of the questions which divided them. But if, in addition to the causes of discussion which ordinarily exist, a religious controversy is to take place, who can allay the excitement which these combined causes may produce, and when will such a contest be finally settled.

In this country every man is permitted to worship his Maker in snch way as his conscience may approve. Our laws and constitutions were framed to secure to all this glorious privilege. The native and naturalized citizens are equally entitled to the blessings of our government. All are equal; and when a stranger takes up his abode here, and has remained among us durlng the time prescribed by the naturalization laws, he has a right to become a citizen, and will be entitled to the privileges of citizenship.

Such being the views of the Committee, and, as they believe, of their constituents, the great Whig party of the State of Maryland, they hereby declare their disavowal of any concurrence in the present or prospective editorial course of General Green, and devolve upon him alone the entire responsibility of his course.

N. F. Williams, Chairman.

Geo. R. Richardson,	William Chesnut,
Wm. H. Gatchell,	John P. Kennedy,
James Grieves,	Sam'l McLellan,
Samuel Harden,	A. G. Cole,
Geo. W. Krebs,	Hugh Birckhead,
Asa Needham,	Jas. L. Ridgely,
Chas. H. Pitts,	Gustav W. Lurman,
Neilson Poe,	Jas. Frazier,
Geo. M. Gill,	Wm. R. Jones,
James Harwood,	T. Yates Walsh.

THE NORTHERN SUPPORTERS OF MR. FILLMORE.

The first suggestion of the Revolutionary means of redressing what the Abolitionists call the wrongs of Kansas came from the Hon. George Grundy Dunn, of Indiana, a candidate for Elector on the Fillmore ticket in that State. In a speech in the House of Representatives on the 21st of July last he said:

"I would cut off the supplies and stop the wheels of government, rather than let it move an inch further in its present most ill-directed and perilous course. If those who control that course are refractory—if they will not heed the clear and distinct utterances of an overwhelming public sentiment, justly aroused to indignation against a great wrong—if the dangers that threaten us will not warn or check them, I would *cut off the sinews of power and thus compel submission* to an overwhelming public necessity. [Cries of 'Good!' 'That is it!' 'That is the doctrine!'"

He was speaking in favor of a restoration of the Missouri Compromise at the time. The public sentiment to which he alluded was that which he supposed to be in favor of such restoration. In the same speech he said:

"I shall most cheerfully give my vote to that candidate who both hails from, and lives in, New York, and not to him who hails from, and lives in Pennsylvania, or to him who, living in New York, for the purpose of this canvass, hails from California—or to any other, who is amphibious, either in his home or his principles." [Laughter.]

The following is from Mr. Bayard Clarke, a member of Congress from New-York, a prominent Know-Nothing and an ardent supporter of Mr. Fillmore:

"Some have wondered that a certain class of our naturalized citizens should be found sustaining the Cincinnati platform, and the Presidential candidate who has merged his individuality in that platform, while another class sustain the platform of freedom in opposition to the aggressions of slavery. But to me there is no mystery in all this. It only illustrates the natural affinity of Jesuitism with slavery. That part of our foreign born population who support Mr. Buchanan are, with rare exceptions, the subjects of the Roman hierachy, and consequently friendly to the despotic *principle*, of which slavery is a logical necessity. On the contrary, the foreign born voters who oppose the extension of slavery, with the platform and candidate of the Cincinnati convention, are

generally a more intelligent class of citizens, owing no allegiance to Rome, and disdaining all alliance with the slave power, which degrades labor, and despises the laborer. The former are Catholics, the latter Protestants. Of course there are exceptions in both cases, but this classification will be found generally correct, and the explanation of the fact will also be found in the natural affinity of one despotic system with another. Said I not rightly that Protestantism is significant of all that contributes to the elevation, the progress, and freedom of our race? As a Protestant I can do no less, then, than oppose the aggressions of the slave-power; and when I find Jesuitism allying itself with that power, and striving to secure the success of its platform and its candidate, I cannot fail to remark, that consistency demands from all who love the Protestant principle, opposition to the usurpations of slavery, no less than relentless hostility to the aggressions of popery. They are TWIN DEMONS; and, God helping me, I am resolved, within the limits of constitutional action, to give no quarter to either."

The New Albany Tribune, the leading Fillmore paper in Indiana, has the following ticket at the head of its columns:

FOR PRESIDENT, MILLARD FILLMORE.
FOR VICE PRESIDENT, A. J. DONELSON.

Electors for the State at large.

George G. Dunn, of Lawrence county, Andrew L. Osborne, of Laporte.

District Elcctors.

1. James G. Jones, of Vanderburf.
2. David T. Laird, of Ferry.
3. John Baker, of Lawrence.
4. William E. White, of Dearborne.
5. Fred. Johnsonbough, of Wayne.
6. Henry H. Bradley, of Johnson.
7. William K. Edwards, of Vigo.
8. James Prather, of Montgomery.
9. Thomas S. Stanfield, of St. Joseph.
10. John B. Howe, of Langrange.
11. William R. Hale, of Wabash.

The same paper contains the following:

COALITION BETWEEN FILLMORE AND FREMONT.

The Fillmore State Convention of Indiana have just united with the Fremont or Black Republican party, by nominating the same Electoral ticket for the State. If any of our Democratic friends have been feeding themselves up with the hope of a division among the American and Republican parties, upon the State ticket, they would do well to give that hope up as utterly futile.

The fusion of the parties for the Presidency is now complete, which seals the fate of Buchanan Democracy in Indiana.

The friends of Mr. Fillmore should now go to work to secure a majority of the popular vote of the State of Indiana for him; if they succeed, of which we have no doubt, the Electoral vote will be cast for him. *Let there be no crashing between the friends of Fillmore and Fremont, because their cause is one cause.* Let the energies of the friends of each be directed against Buchanan, and we will have *no more slave soil to curse our government.*

The Huntington (Indiana) Gazette, a Fremont paper, has the same Electoral ticket in its columns, headed as follows:

FOR PRESIDENT, JOHN C. FREMONT, of New York.
FOR VICE PRESIDENT, W. L. DAYTON, of New Jersey.

MORE FUSION.

The Gazette published at Mauch Chunk, Pennsylvania, has the following ticket at its head:

WHIG, AMERICAN AND REPUBLICAN UNION TICKET.

For Canal Commissioner, THOMAS E. COCHRAN, of York County.
For Auditor General, DARWIN PHELPS, of Armstrong county.
For Surveyor General, BARTHOLOMEW LAPORTE, of Bradford county.

IS NOT THE FUSION COMPLETE?

The Eagle, a Fillmore paper published at Newark, New Jersey, has the following caption to the American platform adopted at Philadelphia, Februrary 21, 1856:

THE PLATFORM MR. FILLMORE ENDORSES AND STANDS ON!

America for Americans, and Opposition to the Repeal of the Missouri Compromise.

AMERICANISM AT THE NORTH.

THE KNOW-NOTHING PLATFORM OF THE STATE OF MAINE.

Bangor, *February* 1*st*, 1855.

"*Resolved*, That the Declaration of Independence, the tone and tenor of the constitution, the ordinance of 1787, the words and deeds of the founders of this republic, all indicate that our forefathers intended that slavery be sectional, not national—temporary, not permanent.

"*Resolved*, That *native-Americanism*, *anti-slavery*, and *temperance* are the foundation stones of our order, equally deserving our consideration; and that before giving our political support to any man, for any office, we will imperatively demand his entire committal in favor of these great and cardinal principles.

"*Resolved*, That we solemnly protest against the repeal of the Missouri Compromise, the passage of the Nebraska-Kansas bill, and the fugitive slave law, as violations of the rights of the free States, and tending to the destruction of the free institutions of our country."

KNOW-NOTHING PARTY OF NEW HAMPSHIRE ON SLAVERY.

"*Resolved*, That the Declaration of Independence, the tones and deeds of the founders of this republic, all indicate that our forefathers intended that slavery should be sectional, not national—temporary, not permanent.

"*Resolved*, That as a political party pledged to regard and watch over the best interests of the whole Union, and to labor for its integrity and perpetuity we solemnly protest against the repeal of the Missouri Compromise, the Kansas and Nebraska bill, and the fugitive slave law, as violating the spirit of the Constitution, and tending to the destruction of the free institutions of the country.

"*Resolved*, That we never will, under any circumstances, consent to the admission of slavery into any portion of the territory embraced in the compact of 1820, and from which it was then excluded by the mutual agreement of both the northern and southern States."

MR. FILLMORE IN FAVOR OF ALIEN SUFFRAGE.

Mr. Filmore signed the Washington Territorial bill in 1853. That bill gives aliens the right of suffrage.

WASHINGTON TERRITORY.

"Every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage af this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office at all subsequent elections, shall be such as shall be pre-

scribed by the Legislative Assembly: *Provided*, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States above the age of twenty-one years, anb those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act.

THE STATES, AND NOT CONGRESS, HAVE ALONE THE RIGHT TO REGULATE SUFFRAGE WITHIN THEIR RESPECTIVE LIMITS.

The Know-Nothing orators clamor about aliens voting in some of the states. They promised the people if they were elevated to power that they would stop it. Have any of them attempted to do it in Congress? No! Why? Because they know Congress has no power over the subject. Congress can make a man a citizen of the United States, but not a voter in the states, nor can it take from him the right of voting therein. The states have the controlling power in that respect. Thus Virginia years since prescribed in her constitution that a man without a property qualification could not vote. The man thus prescribed was a citizen of the United States. Such citizenship it will thus be seen did not give him the right to vote. Virginia controlled that matter and decided that he should not vote. This fact is merely cited as an illustration.

FOREIGN PAUPERS AND CONVICTS.

Alabama, California, Delaware, Georgia, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont and Virginia, the only states, through the seaports of which foreign paupers and convicts can find access to our shores, have already on their statute books, ample law to prevent the immigration of convicts, and to reimburse those States the damages arising from the support of paupers.

PROTESTANT EPISCOPAL ENGLAND SATISFIED THAT NO TEMPORAL ALLEGIANCE IS DUE, BY CATHOLICS, TO THE POPE.

The odious Catholic disabilities which existed in Protestant Episcopal England for so many years, were, no doubt, established on account of the idea that Catholics owed a Temporal Allegiance to the Pope. Mr. Pitt, on the part of the British Government, instituted the following inquiries, and received the subjoined answers. The result was that nearly, if not all, of the disabilities were removed by England:

"1. Has the Pope, or cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England?

"2. Can the Pope, or cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with his Majesty's subjects, from their oath of allegiance, upon any pretext whatsoever?

"3. Is there any principle in the tenets of the Catholic faith by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction, either of a public or a private nature?"

These questions were sent for answer to the Catholic universities of Paris, of Douay, of Alcala, of Valladolid, and of Salamanca. These several universities are conducted by the most learned men of Europe, and they all responded with frankness and promptness to the questions. We have space only

for the answer of one, though we have them all before us, and state that the answers of all are strictly the same. To show what they all answered, we select the response of the University of Paris, as follows:

Abstract from the answers of the Sacred Faculty of Divinity of Paris to the above queries.

After an introduction, according to the usual form of the university, they answer the first query by declaring—

Neither the Pope, nor the cardinals, nor any body of men, nor any other person of the Church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in *any* kingdom, and, consequently, none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence by divine institution inherent in, or granted, or by any other means belonging to the Pope, or the Church of Rome. This doctrine the sacred faculty of divinity of Paris has always held, and upon every occasion maintained, and upon every occasion has rigidly proscribed the contrary doctrines from her schools.

Answer to second query. Neither the Pope, nor the cardinals, nor any body of men, or any person of the Church of Rome, can, by virtue of the keys, absolve or release the subjects of the King of England from their oath of allegiance.

This and the first query are so intimately connected, that the answer of the first immediately and naturally applies to the second, &c.

Answer to the third query. There is no tenet in the Catholic church by which Catholics are justified in not keeping faith with heretics, or those who differ from them in matters of religion. The tenet that it is lawful to break faith with heretics is so repugnant to common honesty and the opinions of Catholics, that there is nothing of which those who have defended the Catholic faith against Protestants have complained more heavily than the malice and calumny of their adversaries in imputing this tenet to them; &c., &c., &c.

Given at Paris, in the general assembly of the Sorborne, held on Thursday, the 11th day before the calends of March, 1789. [Signed in due form.]

IDENTIY OF PRINCIPLE BETWEEN HARTFORD CONVENTIONISM AND KNOW NOTHINGISM.

Every one recollects the odious Hartford Convention, held during the War of 1812—a Convention, representing constituencies in the New England States, who opposed their country in that war and hung blue lights out on the coast to enable the ships of the enemy to know the movements of our own gallant navy and conspire the more easily to defeat it. It had its secrecy, like the Know Nothings.

The first resolution read:

Resolved, That the most inviolate secrecy shall be observed by each member of this Convention, including the Secretary, as to all propositions, debate, and proceedings thereof, until this injunction shall be suspended or altered.

A part of its platform, like that of the Know Nothings, proscribed naturalized citizens.

ONE OF THE RESOLUTIONS OF THE HARTFORD CONVENTION.

Resolved, That no person who shall hereafter be naturalized shall be eligible as a member of the Senate or House of Representatives of the United States, nor capable of holding any civil office under authority of the United States.

THIRD ARTICLE OF THE KNOW NOTHING PLATFORM OF 1856.

3. *Americans must rule America;* and, to this end, *native*-born citizens should be selected for all State, Federal, and municipal offices, or government employment, in preference to naturalized citizens.

THE BIBLE VS. KNOW NOTHINGISM.

"If a *stranger* sojourn with thee in your land, *ye shall not vex him;* but the stranger that dwelleth with you shall be unto you *as one born among you*, and thou shalt love him as thyself, for ye were strangers in the land of Egypt. I am the Lord your God.—*Book of Leviticus, 19th chapter, 33d and 34th verses.*

GEORGE III, A KNOW-NOTHING.

Amongst the counts in that grand indictment framed by our Revolutionary fathers—the Declaration of Independence, is one charging his Royal highness with the infliction upon the American Colonies of one of the very abuses now sought to be engrafted upon the policy of the country by the Know-Nothing party. Read from that Declaration of Independence with what emphasis they rebuked the Know-Nothingism of that Royal tyrant.

"He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of land."

PRINCIPLE OF THE NATURALIZATION LAWS VINDICATED BY THE WAR OF 1812.

In a paragraph preceding this we show the identity of principle between Know-Nothingism and Hartford Conventionism. The Hartford Conventionists opposed the war of 1812. The war of 1812 was fought by this country for the reason that England denied the right of a man born under her flag to swear away his allegiance to her Government and become a citizen of the United States. Denying this right she attempted to search our vessels, take from them those in the service of the United States who were born under English dominion. War was the result. Victory for our arms ended the contest. The basis principle of the naturalization laws was vindicated. The Know-Nothings are endeavoring to destroy these laws, with the halo of the glory of the revolution and the war of 1812 thrown around them. Think of this and read the following paragraph:

FOREIGN INFLUENCE.

It was against this kind of foreign influence that Washington advised his countrymen when he said:

"Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake."

Washington was not thinking of the poor emigrant, but of influence like the following, which appeared in the London Chroniele, one of Victoria's organs, in reference to our Presidential contest:

"We should be sorry to see Mr. Buchanan eleeted, because he is in favor of preserving the obnoxious institutions, as they exist, AND THE UNITY OF THE STATES. There is no safety for European monarchial governments, if the progressive spirit of the Democracy of the United States is allowed to suceeed. ELECT FREMONT AND THE FIRST BLOW TO THE SEPARATION OF THE UNITED STATES IS EFFECTED!"

ANTAGONISM BETWEEN THE OATH OF THE KNOW NOTHINGS AND THE CONSTITUTIoN OF THE UNITED STATES.

CONSTITUTION OF THE UNITED STATES.

Art. VI.—"No *religious test* shall *ever* be required as a qualification to *any* office of public trust under this government."

KNOW NOTHING CONSTITUTION.

Art. III.—"The object of this organization shall be to resist the insidious poliey of the Chureh of Rome, and other foreign influence against the institutions of the country, *by placing in all offices in the gift of the people, or by appointment, none but native born* PROTESTANT *citizens.*"

Compare it also with the act of religious toleration in the Constitution of Virginia, penned by Thomas Jefferson, the authorship of which is his epitaph on his tombstone:

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction—not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise christian forbearance, love, and charity towards each other.

KNOW NOTHING OATH.

"You futhermore promise and declare that you will not vote nor give your influence for any man for any office in the gift of the people, unless he be an American born citizen, in favor of Americans ruling America, *nor if he be a Roman Catholic.*"

Again: "You solemnly and sincerely swear that, if it may be done legally, you will, when elected to any office, remove all foreigners *and Roman Catholics from office*, and that *you will in no case appoint such to office.*"

PROSCRIPTION OF ONE RELIGIOUS SECT WILL LEAD EVENTUALLY TO THE PROSCRIPTION IN TURN OF ALL.

The following, says the Trenton True American, is taken from a pamphlet written by a member of one of the American orders to prove that the Methodist Church ought not to be tolerated in a free country.

Recollect Methodists that this is from one of a faction that is endeavoring to get your aid to proscribe your Catholic fellow citizens.

"But again— the very organization of the Methodist Episcopal Church is dangerous to the liberties of a free people. Suppose a crisis to arrive in political action, in which the hierarchy of the Methodist Church is interested. From the dependence of all the parts on one great central power, it is easy to perceive how the suffrages of most of the members may be controlled by the bishops. Let the bishop suggest to the presiding elders that the interests of their ecclesiastical despotism will be subserved by the election of a certain set of men to office; the presiding elders use their influence over the preachers, the preachers over the class leaders, and the class leaders over their class members, and thus the balance af power in a political contest may rest in the hands of SEVEN EPISCOPAL METHODIST BISHOPS. There is as much danger of this, as there is of Romanism accomplishing a similar result; provided the occasion requires it. It may be said that the members of the Methodist Episcopal Church are too independent to be thus influenced; but, while they submit to the degradation to which I have shown they are subjected in Church matters, let them not speak of independence in political matters. Let them become ecclesiastically free, and then it may be hoped that they would *dare* to become *politically* free if the bishops undertook to prevent it.

"I have thus briefly shown that Episcopal Methodism is anti-American in its spirit and tendency, and that it is a dangerous foe to republicanism. I have shown that it had its origin in *usurpation*—that its very organization provides for the support and extension of *assumed power*, and that this power may be *oppressively exercised without re-restriction.* I have shown that Methodist Episcopacy contains in itself the very elements of an *absolute despotism*, and therefore must ultimately, unless checked, subvert and destroy our republican institutions.

A KNOW-NOTHING MAYOR vs. THE CONSTITUTION.

The Constitution says:

"SEC. II—ARTICLE III.—No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation

therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

Here is what a Know-Nothing Mayor, whose election was hailed in every section, even in the South, as a great American triumph, said:

"MAYOR'S OFFICE, PHILA., MARCH 6, 1835.

"MR. SAMUEL JOHNSON—DEAR SIR: *With the kindest feelings for you personally, and with great respect for your character as an officer, it is proper that I should inform you that if you act as the agent of Louisiana to return Warwick, charged with encouraging the escape of a fugitive slave to that State, I will consider it my duty to discharge you immediately from the police force of this city.*

"Yours, respectfully, R T. CONRAD, MAYOR."

KENNETH RAYNER.

No man in the country pretends to be more afraid of the Pope, at this time than Kenneth Rayner. He is his terror by day as well as by night. A Catholic, to his eyes, is a monstrum horrendum. He wants legislation against Catholics, although he knows that it is neither practicable or constitutional to do it. But let us exhibit the humbuggery of Know-Nothingism, by showing when Rayner had it in his hands to move to oppress them, what he then said. In the Constitutional Convention of North Carolina, in 1835, he, the said Rayner, thus spoke:

"I do not conceive that we have anything to do with the tenets of any particular creed. We have not to decide between the merits of contending sects. We have not to inquire whether the Pope of Rome is the legal custodian of the Keys of Christ's Kingdom, or whether, (according to the opinion of some,) he is the many-headed monster mentioned in the Apocalypse.

"But it is said, if the Catholic is excluded from office, that will not deprive him of the right of worshipping God according to the dictates of his own conscience. Sir, the right of worshipping God free from all personal pains and penalties, is a right which can now be enjoyed in any country in Christendom. An exclusion from the honors, the profits, and the emoluments of the State, is the highest persecution which public opinion will tolerate in any Christian country in this enlightened age. So that if you sanction the principle recognized in the 32d Article, you use the rod of persecution with as unsparing a hand as it is used in Spain, or the States of the Church. And if you exclude one sect, why not another and another, and finally all. except one?

"Retain that Article, and I assert it, the Catholic and Jew will be placed under the ban of proscription, no matter how great may be his merit; although he may love his country with a patriotism as pure as the first love of woman; although he may pour out his blood like water in her defence; yet, for daring to 'worship God according to the dictates of his own conscience,' you cut him off from all hope of political preferment and from all stimulus to ambition. Like the Israelites in Egypt, he will be oppressed by the land in which he lives, the soil on which he treads, and like them, he will have left no other resource but to turn back upon the graves of his fathers, and take up his march to a more tolerant clime. Sir, the exclusion from office for opinion's sake, in this enlightened age, proceeds from the same spirit of bigotry and superstition which has preyed upon mankind from the building of Babel to the present time."

Mr. Rayner concludes his defence of the Catholics in the following manner:

"Sir, is this convention ready to incorporate into our fundamental law the doctrine, that 'honesty, capability, and faithfulness to the Constitution,' is not a sufficient qualification for office, but that he who obtains it must abjure a certain particular faith? Sir, who constituted us judges of the hearts and consciences of men? What right have we to impugn the motives of our fellow men? It is asserting one of the attributes of the Deity himself, for it is the Lord alone that pondereth the heart. Sir, you may carry on this system of persecution, but there is one point beyond which you cannot go. You may snbject the body to privation and torture, but you cannot fetter the mind—fetters cannot bind it—tyrants cannot enchain it—dungeons cannot confine it—it will rise superior to the powers of fate, and aspire to Him who gave it."

For the correctness of the quotation (says the Fayetteville Carolinian) we refer the reader to the Debates of the Convention of 1835, pages 262–3–4.

Mr. Alex. H. H. Stuart, one of the Know-Nothing Electors in the State of Virginia, who was Secretary of the Interior under the administration of Mr. Fillmore, thus endeavored to blarney our Irish Fellow Citizens, when he was in hopes that his Master my Lord Fillmore would be the Whig nominee and would like to have their votes.

WASHINGTON, March 13, 1852.

Gentlemen:—I have been favored with the receipt of your invitation to attend a public dinner to be given in the city of Philadelphia on the 17th inst., in celebration of the anniversary of St. Patrick's day."

The occasion is an interesting one, and there is no portion of our citizens whom it would give me greater pleasure to meet around the social board. I have always regarded it as a happy omen of the perpetuity of our Government, that so large a portion of the emigration to our shores is of the Irish race—kindred to ourselves—and who *so readily become incorporated with us. I have been struck with the facility with which they adapt themselves to our institutions, rightly entering into their scope and spirit—becoming, in a word, thoroughly Americanized.* And I feel assured that, while the approaching festival will naturally call up hallowed recollections of old Erin, it will be with hearts full of attachments and devotion to the home of their adoption, and with sentiments that will do honor to the character of American citizens.

Regretting that official engagements will forbid my acceptance of your kind invitation, and wishing you all joy on this festive occasion. I am, very respectfully,

Your obedient servant,

ALEX. H. H. STUART.

EXTRACT FROM THE WILL OF GENERAL JACKSON.

"I bequeath to my well-beloved nephew, Andrew J. Donelson, son of Samuel Donelson, deceased, the elegant sword presented to me by the State of Tennessee with this injunction, that he fail not to use it when necessary in support and protection of our glorious Union, and for the protection of the Constitutional rights of our beloved country, should they be assailed by foreign or domestic traitors."

Where was this sword and its owner during the Mexican War?

HUMPHREY MARSHALL AND FREMONT.

The Loudoun, Va., Democratic Mirror, speaking of a speech made by Humphrey Marshall, at Leesburg, recently, says:

"He was also very severe upon Mr. Buchanan, charged him with being the squatter sovereignty candidate of the North, and declared that he would as leave see John C. Fremont, or the Devil himself made President as James Buchanan."

PRENTICE AN ABOLITIONIST.

In 1829, Prentice was the editor of a paper called the Weekly Review, printed at Hartford, Connecticut, and on the 27th of July, of that year, he published the following editorial in that paper. Read it slaveholders:

"The purchase of Texas must be opposed. Every man who does not wish to see the power of the Northern and Western States depart forever: every man who does not wish to see a dozen new slave States added to the Union, and to hear the cries of additional millions of wretched negroes going up to meet the Lord in the air and imprecate vengeance upon our land, will oppose the purchase of Texas with a deep and irresistible determination.

LAST BALLOT FOR SPEAKER OF THE HOUSE OF REPRESENTATIVES, 34TH CONGRESS.

On the 2d day of February, 1856, the House adopted a resolution, that on the third ballot, who ever received the highest plurality should be the Speaker. The third ballot resulted in the choice of Mr. Banks. It was as follows:

Nathaniel P. Banks received	103
William Aiken	100
Henry M. Fuller	6
Lewis D. Campbell	4
Daniel Wells	1

The following is the vote in detail:

For Mr. Banks—Messrs. Albright, Allison, Ball, Barbour, Henry Bennett, Benson, Billinghurst, Bingham, Bishop, Bliss, Bradshaw, Brenton, Buffington, Burlingame, Jas. H. Campbell, Lewis D. Campbell, Chaffee, Ezra Clark, Clawson, Colfax, Comins, Covode, Cragin, Cumback, Damrell, Timothy Davis, Day, Dean, De Witt, Dick, Dickson, Dodd, Durfee, Edie, Flagler, Galloway, Giddings, Gilbert, Granger, Grow, Robert B. Hall, Harlan, Holloway, Thomas R. Horton, Howard, Kelsey, King, Knapp, Knight, Knowlton, Knox, Kunkel, Leiter, Mace, Matteson, McCarty, Meacham, Killian Miller, Morgan, Morrill, Mott, Murray, Nichols, Norton, Andrew Oliver, Parker, Pearce, Pelton, Pennington, Perry, Pettit, Pike, Pringle, Purviance, Ritchie, Robbins, Roberts, Robison, Sabin, Sage, Sapp, Sherman, Simmons, Spinner, Stanton, Stranahan, Tappan, Thorington, Thurston, Todd, Trafton, Tyson, Wade, Walbridge, Waldron, Calwalader C. Washburne, Elihu B. Washburne, Israel Washburn, Watson, Welch, Wood, Woodruff, and Woodworth.

For Mr. Aiken—Messrs. Allen, Barksdale, Bell, Hendley S. Bennett, Bocock, Bowie, Boyce, Branch, Brooks, Burnett, Cadwalader, John P. Campbell, Carlisle, Caruthers, Caskie, Clingman, Howell Cobb, Williamson R. W. Cobb, Cox, Crawford, Davidson, Denver, Dowdell, Edmundson, Elliott, English, Etheridge, Eustis, Evans, Faulkner, Florence, Foster, Thomas J. D. Fuller, Goode, Greenwood, Augustus Hall, J. Morrison Harris, Sampson W. Harris, Thomas L. Harris, Herbert, Hoffman, Houston, Jewett, George W. Jones, J. Glancy Jones, Keitt, Kelly, Kennett, Kidwell, Lake, Letcher, Lindley, Lumpkin, Alexander K. Marshall, Humphrey Marshall, Samuel S. Marshall, Maxwell, McMullin, McQueen, Smith Miller, Millson, Mordecai, Oliver, Orr, Paine, Peck, Phelps, Porter, Powell, Puryear, Quitman, Reade, Ready, Ricaud, Rivers, Ruffin, Rust, Sandidge, Savage, Shorter, Samuel A. Smith, William Smith, William R. Smith, Sneed, Stephens, Stewart, Swope, Talbott, Trippe, Underwood, Vail, Walker, Warner, Watkins, Wells, Wheeler, Williams, Winslow, Daniel B. Wright, John V. Wright, and Zollicoffer.

For Mr. Fuller—Messrs. Broom, Bayard Clark, Cullen, Henry Winter Davis, Millward, and Whitney.

For Mr. Campbell—Messrs. Dunn, Harrison, Moore, and Scott.

For Mr. Wells—Mr. Hickman.

Messrs. Broom, Clarke, Fuller, Whitney, and Richardson who voted for Mr. Aiken the day before, did not vote for him on the last ballot. Messrs. Broome, Clarke, and Whitney voted for Mr. Fuller. Mr. Fuller was in the Hall and did not vote. It was stated that he had paired off with Mr. Barclay, who was also in the Hall. This Mr. Barclay denies. Messrs. Faulkner, Alexander K. Marshall, and Keitt, who were not present the day before voted for Mr. Aiken then. Mr. Richardson had to resume a pair with Mr. Emrie, of Ohio, which Mr. Faulkner had temporarily taken off his hands.

LAST DAY OF THE CALLED SESSION.

(*From the Daily Globe.*)

SATURDAY, AUGUST 30, 1856.

In the *House of Representatives* Mr. CAMPBELL, of Ohio, by leave, reported from the Ways and Means Committee another Army appropriation bill, with the proviso, that no part of the military of the United States, for the support of which appropriations are made by this act, shall be employed in aid of the enforcement of any enactment of the body claiming to be the Territorial Legislature of Kansas.

The previous question was seconded, and under the operation thereof, the bill was read a third time and passed, by the following vote:

YEAS.—Messrs. Albright, Allison, Barbour, Barclay, Henry Bennett, Benson, Billinghurst, Bingham, Bliss, Bradshaw, Brenton, Buffington, James H. Campbell, Lewis D. Campbell, Chaffee, Ezra Clark, Clawson, Colfax, Comins, Covode, Cragin, Cumback, Damrell, Henry Winter Davis, Timothy Davis, Dean, De Witt, Dick, Dickson, Dodd, Durfee, Edie, Edwards, Emrie, Flagler, Galloway, Giddings, Gilbert, Granger, Grow, Harlan, Haven, Holloway, Thomas R. Horton, Howard, Hughston, Kelsey, King, Knapp, Knight, Knowlton, Knox, Kunkel, Leiter, Matteson, McCarty, Morgan, Morrill, Mott, Murray, Norton, Andrew Oliver, Parker, Pelton, Pettit, Pike, Pringle, Purviance, Ritchie, Robbins, Roberts, Robison, Sabin, Sage, Sapp, Scott, Sherman, Simmons, Spinner, Stranahan, Tappan, Thorington, Thruston, Todd, Trafton, Tyson, Wade, Wakeman, Walbridge, Waldron, Cadwalader C. Washburne, Elihu B. Washburne, Israel Washburne, Welch, Wells, Williams, Wood, Woodruff, and Woodworth—99.

NAYS.—Messrs. Aiken, Akers, Barksdale, Bell, Hendley S. Bennett, Bocock, Bowie, Boyce, Branch, Burnett, Cadwalader, John P. Campbell, Carlile, Caskie, Clingman, Howell Cobb, Williamson R. W. Cobb, Cox, Craige, Crawford, Cullen, Dowdell, Dunn, Edmundson, Elliott, Etheridge, Florence, Thomas J. D. Fuller, Goode, Greenwood, Augustus Hall, J. Morrison Harris, Sampson W. Harris, Thomas L. Harris, Harrison, Hickman, Hoffman, Houston, Jewett, George W. Jones, J. Glancy Jones, Kennett, Kidwell, Lake, Letcher, Lumpkin, Mace, Alexander K. Marshall, Humphrey Marshall, Maxwell, McMullin, McQueen, Smith Miller, Millson, Mordecai Oliver, Orr, Pennington, Phelps, Powell, Puryear, Quitman, Ricaud, Rivers, Ruffin, Rust, Shorter, William Smith, William R. Smith, Stanton, Stewart, Talbott, Vail, Walker, Warner, Wheeler, Daniel B. Wright, and John V. Wrigit—77.

In the *Senate*, the bill having been taken up for consideration, Mr. HUNTER moved that the Kansas proviso be stricken out of the bill, which was agreed to by the following vote:

YEAS.—Messrs. Adams, Allen, Bayard, Bell of Tennessee, Bright, Brodhead, Brown, Butler, Cass, Clay, Crittenden, Douglas, Geyer, Houston, Hunter, Iverson, Johnson, Jones of Tennessee, Mason, Pratt, Pugh, Reid, Thompson of Kentucky, Toucey, Weller, and Wright—26.

NAYS —Messrs. Durkee, Foot, Foster, Harlan, Trumbull, Wade, and Wilson—7.

The vote in the Senate on the passage of the bill as amended, was the same as the last except one less in the affirmative, Mr. Bell of Tennessee, who voted on the previous vote being absent.

IN THE HOUSE.

A message having been received from the Senate, announcing that that body had passed the Army appropriation bill with an amendment striking out the Kansas proviso, the House proceeded to consider the amendment; when it was agreed to by the following vote:

YEAS.—Messrs, Aiken, Akers, Barksdale, Bell, Bennett of Mississippi, Bocock, Bowie, Boyce, Branch, Burnett, Cadwalader, Campbell of Kentucky, Carlile, Caskie, Clingman, Cobb of Georgia, Cobb of Alabama, Cox, Craige, Crawford, Cullen, Davidson, Davis of Maryland, Denver, Dowdell, Edmundson, Elliot, Etheridge, Eustis, Evans, Faulkner, Florence, Fuller of Maine, Goode, Greenwood, Hall of Iowa, Harris of Maryland, Harris

of Alabama, Harris of Illinois, Harrison, Haven, Hickman, Hoffman, Houston, Jewett, Jones of Tennessee, Jones of Pennsylvania, Keitt, Kelly, Kennett, Kidwell, Lake, Letcher, Lumpkin, A. K. Marshall of Kentucky, H. Marshall of Kentucky, Marshall of Illinois, Maxwell, McMullin, McQueen, Miller of Indiana, Milson, Oliver of Missouri, Orr, Packer, Peck, Phelps, Porter, Powell, Puryear, Quitman, Ricaud, Rivers, Ruffin, Rust, Sandidge, Savage, Seward, Shorter, Smith of Tennessee, Smith of Virginia, Smith of Alabama, Sneed, Stephens, Stewart, Swope, Talbott, Taylor, Tyson, Underwood, Vail, Walker, Warner, Wells, Wheeler, Whitney, Williams, Winslow, Wright of Mississippi, Wright of Tennessee, and Zollicoffer—101.

NAYS —Messrs. Allbright, Allison, Barbour, Barclay, Bennett of New York, Benson, Billinghurst, Bingham, Bliss, Bradshaw, Brenton, Buffington, Campbell of Pennsylvania, Campbell of Ohio, Chaffee, Clark of Connecticut, Clawson, Colfax, Comins, Covode, Cragin, Cumback, Damrell, Davis of Massachusetts, Dean, DeWitt, Dick, Dickson, Dodd, Dunn, Durfee, Edie, Edwards, Emrie, Flagler, Galloway, Giddings, Gilbert, Granger, Grow, Harlan, Holloway, Horton of New York, Howard, Hughston, Kelsey, King, Knapp, Knight, Knowlton, Knox, Kunkel, Leiter, Mace, Matteson, McCarty, Morgan, Morrill, Mott, Murray, Norton, Oliver of New York, Parker, Pelton, Pennington, Pettit, Pike, Pringle, Purviance, Ritchie, Robbins, Roberts, Robinson, Sabin, Sage, Sapp, Scott, Sherman, Simmons, Spinner, Stanton, Stranahan, Tappan, Thorington, Thurston, Todd, Trafton, Wade, Wakeman, Walbridge, Waldron, Washburne of Wisconsin, Washburne of Illinois, Washburne of Maine, Welch, Wood, Woodruff, and Woodworth—98.

Mr. Whitney, of New-York, now that the Army bill had passed, asked leave to bring in a bill repealing the obnoxious laws in Kansas. Mr. Washburne, of Illinois, and other Republicans objected, so leave was not granted.

ELECTORAL VOTE OF STATES.

Maine	8	Alabama	9
New Hampshire	5	Mississippi	7
Vermont	5	Louisiana	6
Massachusetts	13	Arkansas	4
Rhode Island	4	Texas	4
Connecticut	6	Missouri	9
New York	35	Kentucky	12
Pennsylvania	27	Tennessee	12
New Jersey	7	Iowa	4
Delaware	3	Illinoise	11
Maryland	8	Indiana	13
Virginia	15	Ohio	23
North Carolina	10	Michigan	6
South Carolina	8	Wisconsin	5
Georgia	10	California	4
Florida	3		

VIRGINIA RESOLUTIONS OF 1798,

PRONOUNCING THE ALIEN AND SEDITION LAWS TO BE UNCONSTITUTIONAL, AND DEFINING THE RIGHTS OF THE STATES.—DRAWN BY MR. MADISON.

IN THE VIRGINIA HOUSE OF DELEGATES,

Friday, Dec. 21, 1798.

Resolved, That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression either foreign or domestic; and that they will support the Government of the United States in all measures warranted by the former.

That this Assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges its powers; and, that for this end, it is their duty to watch over and *oppose every infraction of those principles which constitute the only basis of that Union*, because a faithful observance of them can alone secure its existence and the public happiness.

That this Assembly doth explicitly and peremptorily declare, THAT IT VIEWS THE POWERS OF THE FEDERAL GOVERNMENT, AS RESULTING FROM THE COMPACT TO WHICH THE STATES ARE PARTIES, AS LIMITED BY THE PLAIN SENSE AND INTENTION OF THE INSTRUMENT CONSTITUTING THAT COMPACT, AS NO FARTHER VALID THAN THEY ARE AUTHORIZED BY THE GRANTS ENUMERATED IN THAT COMPACT; AND THAT IN CASE OF A DELIBERATE, PALPABLE, AND DANGEROUS EXERCISE OF OTHER POWERS, NOT GRANTED BY THE SAID COMPACT, THE STATES, WHO ARE PARTIES THERETO, HAVE THE RIGHT, AND ARE IN DUTY BOUND, TO INTERPOSE, FOR ARRESTING THE PROGRESS OF THE EVIL, AND FOR MAINTAINING WITHIN THEIR RESPECTIVE LIMITS THE AUTHORITIES, RIGHTS, AND LIBERTIES APPERTAINING TO THEM.

That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them;

and, that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration which necessarily explains, and limits the general phrases, and so as to CONSOLIDATE THE STATES BY DEGREES INTO ONE SOVEREIGNTY, THE OBVIOUS TENDENCY AND INEVITABLE RESULT OF WHICH WOULD BE, TO TRANSFORM THE PRESENT REPUBLICAN SYSTEM OF THE UNITED STATES INTO AN ABSOLUTE, OR AT BEST, A MIXED MONARCHY.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the "Alien and Sedition Acts," passed at the last session of Congress; the first of which, exercises a power no where delegated to the Federal Government, and which, by uniting Legislative and Judicial powers to those of Executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the Federal Constitution; and the other of which acts exercises, in like manner, a power not delegated by the Constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which, more than any other, ought to produce universal alarm, because it is levelled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.

That this State having by its Convention, which ratified the Federal Constitution, expressly declared, that among other essential rights, "the liberty of conscience and the press cannot be cancelled, abridged, restrained or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with other States recommended an amendment for that purpose, which amendment was, in due time, annexed to the Constitution, it would mark a reproachful inconsistency, and criminal degeneracy, if an indifference were now shown to the most palpable violation of one of the rights, thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this Commonwealth, having ever felt, and continuing to feel the most sincere affection for their brethren of the other States; the truest anxiety for establishing

and perpetuating the union of all; and the most scrupulous fidelity to that Constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions in the other States, in confidence, that they will concur with this Commonwealth, in declaring, as it does hereby declare, that the acts aforesaid are UNCONSTITUTIONAL; and, that the necessary and proper measures will be taken *by each* for cooperating with this State, in maintaining unimpaired the authorities, rights, and liberties, reserved to the States, respectively, or to the people.

That the Governor be desired to transmit a copy of the foregoing resolutions to the Executive authority of each of the other States, with a request, that the same may be communicated to the Legislature thereof; and that a copy be furnished to each of the Senators and Representatives representing this State in the Congress of the United States.

Attest, JOHN STEWART.

1798, December 24th. Agreed to by the Senate.

H. BROOKE.

A true copy from the original deposited in the office of the General Assembly.

JOHN STEWART, Keeper of Rolls.

EXTRACTS

From the Address to the People, which accompanied the foregoing Resolutions.

FELLOW CITIZENS—Unwilling to shrink from our representative responsibility, conscious of the purity of our motives, but acknowledging your right to supervise our conduct, we invite your serious attention to the emergency which dictated the subjoined resolutions. Whilst we disdain to alarm you by ill-founded jealousies, we recommended an investigation, guided by the coolness of wisdom, and a decision bottomed on firmness but tempered with moderation.

It would be perfidious in those entrusted with the GUARDIANSHIP OF THE STATE SOVEREIGNTY, and acting under the solemn obligation of the following oath: "I do swear, that I will support the Constitution of the United States," not to warn you of encroachments, which, though clothed with the pretext of necessity, or disguised by arguments of expediency, may yet

establish precedents, which may ultimately devote a generous and unsuspicious people to all the consequences of usurped power.

Encroachments springing from a government WHOSE ORGANIZATION CANNOT BE MAINTAINED WITHOUT THE CO-OPERATION OF THE STATES, furnish the strongest excitements upon the State Legislatures to watchfulness, and impose upon them the strongest obligation TO PRESERVE UNIMPAIRED THE LINE OF PARTITION.

The *acquiescence of the States* under *infractions* of the Federal *Compact*, would either beget a speedy consolidation, by precipitating the State Governments into impotency and contempt; or prepare the way for a revolution, by a repetition of these infractions, until the people are aroused to appear in the majesty of their strength. It is to avoid these calamities, that we exhibit to the people the momentous question, whether the Constitution of the United States shall yield to a construction, which defies every restraint, and overwhelms the best hopes of republicanism.

Exhortations to disregard domestic usurpations, until foreign danger shall have passed, is an artifice which may be forever used; because the possessors of power, who are the advocates for its extension, can ever create national embarrassments, to be successively employed to soothe the people into sleep, whilst that power is swelling, silently, secretly, and fatally. Of the same character are insinuations of a foreign influence, which seize upon a laudable enthusiasm against danger from abroad, and distort it by an unnatural application, so as to blind your eyes against danger at home.

The Sedition act presents a scene, which was never expected by the early friends of the Constitution. It was then admitted that the *State sovereignties were only diminished, by powers specifically enumerated*, or necessary to carry the specified powers into effect. Now Federal authority is deduced from *implication*, and from the existence of State law it is inferred, that Congress possess a similar power of legislation; whence Congress will be endowed with a power of legislation, in all cases whatsoever, and the States will be stript of every right reserved, by the concurrent claims of a paramount Legislature.

The Sedition act is the offspring of these tremendous pretensions, which inflict a death wound on the sovereignty of the States.

For the honor of American understanding, we will not believe, that the people have been allured into the adoption of the Constitution, by an affectation of defining powers, whilst the

preamble would admit a construction which would erect the *will of Congress* into a power *paramount in all cases*, and therefore limited in none. On the contrary, it is evident that the objects for which the Constitution was formed were deemed attainable only by a particular enumeration and specification of each power granted to the Federal Government; reserving all others to the people, or to the States. And yet it is in vain we search for any specified power, embracing the right of legislation against the freedom of the press.

Had the States been despoiled of their sovereignty by the generality of the preamble, and had the Federal Government been endowed with whatever they should judge to be instrumental towards union, justice, tranquillity, common defence, general welfare, and the preservation of liberty, nothing could have been more frivolous than an enumeration of powers.

All the preceding arguments rising from a deficiency of constitutional power in Congress, apply to the Alien act, and this act is liable to other objections peculiar to itself. If a suspicion that aliens are dangerous, constitute the justification of that power exercised over them by Congress, then a similar suspicion will justify the exercise of a similar power over natives. Because there is nothing in the Constitution distinguishing between the power of a State to permit the residence of natives and aliens. It is, therefore, a right originally possessed, and never surrendered by the respective States, and which is rendered dear and valuable to Virginia, because it is assailed through the bosom of the Constitution, and because her peculiar situation renders the easy admission of artizans and laborers an interest of vast importance.

But this bill contains other features, still more alarming and dangerous. It dispenses with the trial by jury; it violates the judicial system; it confounds legislative, executive, and judicial powers; it punishes without trial; and it bestows upon the President despotic power over a numerous class of men. Are such measures consistent with our constitutional principles? And will an accumulation of power so extensive, in the hands of the Executive, over aliens, secure to natives the blessings of republican liberty?

If measures can mould Governments, and if an uncontrolled power of construction is surrendered to those who administer them, their progress may be easily foreseen and their end easily foretold. A lover of monarchy, who opens the treasures of corruption, by distributing emolument among devoted partizans, may at the same time be approaching his object, and

deluding the people with professions of republicanism. He may confound monarchy and republicanism, by the art of definition. He may varnish over the dexterity which ambition never fails to display, with the pliancy of language, the seduction of expediency, or the prejudices of the times. And he may come at length to avow, that so extensive a territory as that of the United States can only be governed by the energies of monarchy; that it cannot be defended, except by standing armies; and that it cannot be united, except by consolidation.

Measures have already been adopted, which may lead to these consequences. They consist:

In fiscal systems and arrangements, which keep an host of commercial and wealthy individuals, embodied and obedient, to the mandates of the treasury.

In armies and navies, which will, on the one hand, enlist the tendency of man to pay homage to his fellow creature who can feed or honor him; and on the other, employ the principle of fear, by punishing imaginary insurrections, under the pretext of preventive justice.

In swarms of officers, civil and military, who can inculcate political tenets tending to consolidation and monarchy, both by indulgences and severities; and can act as spies over the free exercise of human reason.

In restraining the freedom of the press, and investing the Executive with legislative, executive, and judicial powers, over a numerous body of men.

And, that we may shorten the catalogue, in *establishing by successive precedents such a mode of construing the Constitution, as will rapidly remove every restraint upon Federal power.*

Let history be consulted; let the man of experience reflect; nay, let the artificers of monarchy be asked, what farther materials they can need for building up their favorite system?

These are solemn, but painful truths; and yet we recommend it to you, not to forget the possibility of danger from without, although danger threatens us from within. Usurpation is indeed dreadful, but against foreign invasion, if that should happen, let us rise with hearts and hands united, and repel the attack, with the zeal of freemen, who will strengthen their title to examine and correct domestic measures, by having defended their country against foreign aggression.

Pledged as we are, fellow-citizens, to these sacred engagements, we yet humbly and fervently implore the Almighty Disposer of Events, to avert from our land war and usurpation, the scourges of mankind; to permit our fields to be cultivated

in peace; to instil into nations the love of friendly intercourse; to suffer our youth to be educated in virtue; and to preserve our morality from the pollution, invariably incident to habits of war; to prevent the laborer and husbandman from being harassed by *taxes* and *imposts;* to remove from ambition the means of disturbing the Commonwealth; to annihilate all pretexts for power afforded by war; to maintain the Constitution; and, to bless our nation with tranquillity, under whose benign influence, we may reach the summit of happiness and glory, to which we are destined by NATURE and NATURE'S GOD.

Attest, JOHN STEWART, C. H. D.

1799, January 23d. Agreed to by the Senate.

H. BROOKE, C. S.

A true copy from the original deposited in the office of the General Assembly. JOHN STEWART, Keeper of Rolls.

ANSWERS OF THE SEVERAL STATE LEGISLATURES.

STATE OF DELAWARE.

In the House of Representatives, February 1, 1799.—*Resolved,* By the Senate and House of Representatives of the State of Delaware, in General Assembly met, that they consider the resolutions from the State of Virginia as a very unjustifiable interference with the General Government and constituted authorities of the United States, and of dangerous tendency, and therefore not fit subject for the further consideration of the General Assembly.

ISAAC DAVIS, Speaker of the Senate.

STEPHEN LEWIS, Speaker of the H. of Rep's.

Test—JOHN FISHER, C. S.—JOHN CALDWELL, C. H. R.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, February, A. D. 1799.—Certain Resolutions of the Legislature of Virginia, passed on 21st of December last, being communicated to this Assembly,

1. *Resolved,* That in the opinion of this Legislature, the second section of third article of the Constitution of the United States in these words, to wit: *The Judicial power shall extend*

to all cases arising under the laws of the United States, vests in the Federal Courts, exclusively, and in the Supreme Court of the United States, ultimately the authority of deciding on the constitutionality of any act or law of the Congress of the United States.

2. *Resolved*, That for any State legislature to assume that authority, would be,

1st. Blending together legislative and judicial powers.

2d. Hazarding an interruption of the peace of the States by civil discord, in case of a diversity of opinions among the State legislatures; each State having, in that case, no resort for vindicating its own opinions, but to the strength of its own arm.

3d. Submitting most important questions of law to less competent tribunals: and

4th. An infraction of the Constitution of the United States, expressed in plain terms.

3. *Resolved*, That although for the above reasons, this legislature, in their public capacity, do not feel themselves authorized to consider and decide on the constitutionality of the Sedition and Alien laws (so called:) yet they are called upon by the exigency of this occasion, to declare, that in their private opinions, these laws are within the powers delegated to Congress, and promotive of the welfare of the United States.

4. *Resolved*, That the Governor communicate these resolutions to the supreme executive of the State of Virginia, and at the same time express to him that this legislature cannot contemplate, without extreme concern and regret, the many evil and fatal consequences which may flow from the very unwarrantable resolutions aforesaid, of the legislature of Virginia, passed on the twenty-first day of December last.

A true copy, SAMUEL EDDY, *Sec'y.*

COMMONWEALTH OF MASSACHUSETTS.

In Senate, February 9, 1799.—The Legislature of Massachusetts having taken into serious consideration the resolutions of the State of Virginia, passed the 21st day of December last, and communicated by his excellency the Governor, relative to certain supposed infractions of the Constitution of the United States, by the government thereof, and being convinced that the Federal Constitution is calculated to promote the happiness, prosperity and safety of the people of these United States, and to maintain that union of the several States, so essential to the

welfare of the whole; and being bound by solemn oath to support and defend that Constitution, feel it unnecessary to make any professions of their attachment to it, or of their firm determination to support it against every aggression, foreign or domestic.

But they deem it their duty solemnly to declare, that while they hold sacred the principle, that consent of the people is the only pure source of just and legitimate power, they cannot admit the right of the State legislatures to denounce the administration of that government to which the people themselves, by a solemn compact, have exclusively committed their national concerns: That, although a liberal and enlightened vigilance among the people is always to be cherished, yet an unreasonable jealousy of the men of their choice, and a recurrence to measures of extremity, upon groundless or trivial pretexts, have a strong tendency to destroy all rational liberty at home, and to deprive the United States of the most essential advantages in their relations abroad: That this legislature are persuaded, that the decision of all cases in law and equity, arising under the Constitution of the United States, and the construction of all laws made in pursuance thereof, are exclusively vested by the people in the judicial courts of the United States.

That the people in that solemn compact, which is declared to be the supreme law of the land, have not constituted the State legislatures the judges of the acts or measures of the Federal Government, but have confided to them the power of proposing such amendments of the Constitution, as shall appear to them necessary to the interests, or conformable to the wishes of the people whom they represent.

That by this construction of the Constitution, an amicable and dispassionate remedy is pointed out for any evil which experience may prove to exist, and the peace and prosperity of the United States may be preserved without interruption.

But, should the respectable State of Virginia persist in the assumption of the right to declare the acts of the National Government unconstitutional, and should she oppose successfully her force and will to those of the nation, the Constitution would be reduced to a mere cypher, to the form and pageantry of authority, without the energy of power. Every act of the Federal Government which thwarted the views or checked the ambitious projects of a particular State, or of its leading and influential members, would be the object of opposition and of remonstrance; while the people, convulsed and confused by the conflict between two hostile jurisdictions, enjoying the pro-

tection of neither, would be wearied into a submission to some bold leader, who would establish himself on the ruins of both.

The legislature of Massachusetts, although they do not themselves claim the right, nor admit the authority of any of the State governments, to decide upon the constitutionality of the acts of the Federal Government, still, least their silence should be construed into disapprobation, or at best into a doubt of the constitutionality of the acts referred to by the State of Virginia; and, as the General Assembly of Virginia has called for an expression of their sentiments, do explicitly declare, that they consider the acts of Congress, commonly called "the Alien and Sedition acts," not only constitutional, but expedient and necessary: That the former act respects a description of persons whose rights were not particularly contemplated in the Constitution of the United States, who are entitled only to a temporary protection, while they yield a temporary allegiance; a protection which ought to be withdrawn whenever they become "dangerous to the public safety," or are found guilty of "treasonable machination" against the government: That Congress having been especially entrusted by the people with the general defence of the nation, had not only the right, but were bound to protect it against internal as well as external foes. That the United States, at the time of passing the *act concerning aliens*, were threatened with actual invasion, had been driven by the unjust and ambitious conduct of the French Government into warlike preparations, expensive and burthensome, and had then, within the bosom of the country, thousands of aliens, who, we doubt not, were ready to co-operate in any external attack.

It cannot be seriously believed, that the United States should have waited till the poignard had in fact been plunged. The removal of aliens is the usual preliminary of hostility, and is justified by the invariable usages of nations. Actual hostility had unhappily long been experienced, and a formal declaration of it the government had reason daily to expect. The law, therefore, was just and salutary, and no officer could with so much propriety be entrusted with the execution of it, as the one in whom the Constitution has reposed the executive power of the United States.

The *Sedition act*, so called, is, in the opinion of this legislature, equally defensible. The General Assembly of Virginia, in their resolve under consideration, observe, that when that State by its convention, ratified the Federal Constitution, it expressly declared, "That, among other essential rights, the

liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry or ambition, with other States, recommend an amendment for that purpose: which amendment was, in due time, annexed to the Constitution; but they did not surely expect that the proceedings of their State convention were to explain the amendment adopted by the Union. The words of that amendment, on this subject, are, "Congress shall make no law abridging the freedom of speech or of the press."

The act complained of is no abridgment of the freedom of either. The genuine liberty of speech and the press, is the liberty to utter and publish the truth; but the constitutional right of the citizen to utter and publish the truth, is not to be confounded with the licentiousness in speaking and writing, that is only employed in propagating falsehood and slander. This freedom of the press has been explicitly secured by most, if not all the State constitutions; and of this provision there has been generally but one construction among enlightened men; that it is a security for the rational use and not the abuse of the press; of which the courts of law, the juries and people will judge; this right is not infringed, but confirmed and established by the late act of Congress.

By the Constitution, the legislative, executive and judicial departments of government are ordained and established; and general enumerated powers vested in them respectively, including those which are prohibited to the several States. Certain powers are granted in general terms by the people to their General Government, for the purposes of their safety and protection. The government is not only empowered, but it is made their duty to repel invasions and suppress insurrections; to guarantee to the several States a republican form of government; to protect each State against invasion, and, when applied to, against domestic violence; to hear and decide all cases in law and equity, arising under the Constitution, and under any treaty or law made in pursuance thereof; and all cases of admiralty and maritime jurisdiction, and relating to the law of nations. Whenever, therefore, it becomes necessary to effect any of the objects designated, it is perfectly consonant to all just rules of construction, to infer, that the usual means and powers necessary to the attainment of that object, are also granted: But the Constitution has left no occasion to resort to implication for these powers; it has made an express grant of

them, in the 8th section of the first article, which ordains, "That Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States or in any department or officer thereof."

This Constitution has established a Supreme Court of the United States, but has made no provision for its protection, even against such improper conduct in its presence, as might disturb its proceedings, unless expressed in the section before recited. But as no statute has been passed on this subject, this protection is, and has been for nine years past, uniformly found in the application of the principles and usages of the common law. The same protection may unquestionably be afforded by a statute passed in virtue of the before mentioned section, as necessary and proper, for carrying into execution the powers vested in that department. A construction of the different parts of the Constitution, perfectly just and fair, will, on analogous principles, extend protection and security against the offences in question, to the other departments of government, in discharge of their respective trusts.

The President of the United States is bound by his oath "to preserve, protect and defend the Constitution," and it is expressly made his duty "to take care that the laws be faithfully executed;" but this would be impracticable by any created being, if there could be no legal restraint of those scandalous misrepresentations of his measures and motives, which directly tend to rob him of the public confidence. And equally impotent would be every other public officer, if thus left to the mercy of the seditious.

It is holden to be a truth most clear, that the important trusts before enumerated cannot be discharged by the government to which they are committed, without the power to restrain seditious practices and unlawful combinations against itself, and to protect the officers thereof from abusive misrepresentations. Had the Constitution withheld this power, it would have made the government responsible for the effects without any control over the causes which naturally produce them, and would have essentially failed of answering the great ends for which the people of the United States declare, in the first clause of that instrument, that they establish the same, viz: "To form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote

the general welfare, and secure the blessings of liberty to ourselves and posterity."

Seditious practices and unlawful combinations against the Federal Government, or any officer thereof, in the performance of his duty, as well as licentiousness of speech and of the press, were punishable on the principles of common law in the courts of the United States, before the act in question was passed. This act then is an amelioration of that law in favor of the party accused, as it mitigates the punishment which that authorizes, and admits of any investigation of public men and measures which is regulated by truth. It is not intended to protect men in office, only as they are agents of the people. Its object is to afford legal security to public offices and trusts created for the safety and happiness of the people, and therefore the security derived from it is for the benefit of the people, and is their right.

This construction of the Constitution and of the existing law of the land, as well as the act complained of, the legislature of Massachusetts most deliberately and firmly believe results from a just and full view of the several parts of the Constitution: and they consider that act to be wise and necessary, as an audacious and unprincipled spirit of falsehood and abuse had been too long unremittingly exerted for the purpose of perverting public opinion, and threatened to undermine and destroy the whole fabric of government.

The legislature further declare, that in the foregoing sentiments they have expressed the general opinion of their constituents, who have not only acquiesced without complaint in those particular measures of the Federal Government, but have given their explicit approbation by re-electing those men who voted for the adoption of them. Nor is it apprehended, that the citizens of this State will be accused of supineness or of an indifference to their constitutional rights; for, while on the one hand, they regard with due vigilance the conduct of the government; on the other, their freedom, safety and happiness require, that they should defend that government and its constitutional measures against the open or insidious attacks of any foe, whether foreign or domestic.

And, lastly, that the legislature of Massachusetts feel a strong conviction, that the several United States are connected by a common interest which ought to render their union indissoluble, and that this State will always co-operate with its confede-

rate States in rendering that union productive of mutual security, freedom and happiness.

Sent down for concurrence.

SAMUEL PHILIPS, *President.*

In the House of Representatives, Feb. 13, 1799,

Read and concurred.

EDWARD H. ROBBINS, *Speaker.*

A true copy. Attest. JOHN AVERY, *Secretary.*

STATE OF NEW YORK.

In Senate, March 5, 1799.—Whereas, the people of the United States have established for themselves a free and independent national government: And whereas it is essential to the existence of every government, that it have authority to defend and preserve its constitutional powers inviolate, inasmuch as every infringement thereof tends to its subversion. And whereas the judicial power extends expressly to all cases of law and equity arising under the Constitution and the laws of the United States whereby the interference of the legislatures of the particular States in those cases is manifestly excluded. And, whereas, our peace, prosperity and happiness, eminently depend on the preservation of the Union, in order to which, a reasonable confidence in the constituted authorities and chosen representatives of the people is indispensable. And, whereas, every measure calculated to weaken that confidence has a tendency to destroy the usefulness of our public functionaries, and to excite jealousies equally hostile to rational liberty, and the principles of a good republican government. And, whereas, the Senate not perceiving that the rights of the particular States have been violated, nor any unconstitutional powers assumed by the General Government, cannot forbear to express the anxiety and regret with which they observe the inflammatory and pernicious sentiments and doctrines which are contained in the resolutions of the legislatures of Virginia and Kentucky—sentiments and doctrines, no less repugnant to the Constitution of the United States, and the principles of their union, than destructive to the Federal Government, and unjust to those whom the people have elected to administer it: wherefore, *Resolved*, That while the Senate feel themselves constrained to bear unequivocal testimony against such sentiments and doctrines, they deem it a duty no less indispensable, explicitly to declare their incompetency, as a branch of the legislature of this State, to supervise the acts of the General Government.

Resolved, That his excellency, the Governor, be, and he is hereby requested to transmit a copy of the foregoing resolution to the executives of the States of Virginia and Kentucky, to the end that the same may be communicated to the legislatures thereof.

A true copy. ABM. B. BAUCKER, *Clerk.*

STATE OF CONNECTICUT.

At a General Assembly of the State of Connecticut, holden at Hartford, in the said State, on the second Thursday of May, Anno Domini, 1799, his excellency the Governor having communicated to this assembly sundry resolutions of the Legislature of Virginia adopted in December, 1798, which relate to the measures of the General Government, and the said resolutions having been considered, it is

Resolved, That this assembly views with deep regret, and explicitly disavows, the principles contained in the aforesaid resolutions; and particularly the opposition to the "Alien and Sedition acts"—acts which the constitution authorised: which the exigency of the country rendered necessary: which the constituted authorities have enacted, and which merit the entire approbation of this assembly. They, therefore, decidedly refuse to concur with the Legislature of Virginia, in promoting any of the objects attempted in the aforesaid resolutions.

And it is further resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the Governor of Virginia, that it may be communicated to the Legislature of that State.

Passed in the House of Representatives unanimously.

Attest, JOHN C. SMITH, *Clerk.*

Concurred, unanimously, in the Upper House.

Teste, SAM. WYLLYS, *Sec'ry.*

STATE OF NEW HAMPSHIRE.

In the House of Representatives, June 14, 1799.—The committee, to take into consideration the resolutions of the general assembly of Virginia, dated December 21st, 1798; also certain resolutions of the Legislature of Kentucky, of the 10th of November, 1798, report as follows:

The Legislature of New Hampshire having taken into consideration certain resolutions of the general assembly of Virginia, dated December 21, 1798; also certain resolutions of the Legislature of Kentucky, of the 10th of November, 1798,

Resolved, That the Legislature of New Hampshire unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression, either foreign or domestic, and that they will support the Government of the United States in all measures warranted by the former.

That the State Legislatures are not the proper tribunals to determine the constitutionality of the laws of the General Government—that the duty of such decision is properly and exclusively confided to the judicial department.

That if the Legislature of New Hampshire, for mere speculative purposes, were to express an opinion on the acts of the General Government, commonly called "the Alien and Sedition bills," that opinion would unreservedly be, that those acts are constitutional, and, in the present critical situation of our country, highly expedient.

That the constitutionality and expediency of the acts aforesaid have been very ably advocated and clearly demonstrated by many citizens of the United States, more especially by the minority of the General Assembly of Virginia. The Legislature of New Hampshire, therefore, deem it unnecessary, by any train of arguments, to attempt further illustration of the propositions, the truth of which, it is confidently believed, at this day, is very generally seen and acknowledged.

Which report being read and considered, was unanimously received and accepted, one hundred and thirty-seven members being present.

Sent up for concurrence. JOHN PRENTICE, *Speaker.*

In Senate, same day, read and concurred in unanimously.

AMOS SHEPARD, *President.*

Approved, June 15th, 1799.

J. T. GILMAN, *Governor.*

A true copy. Attest, JOSEPH PEARSON, *Secretary.*

STATE OF VERMONT.

In the House of Representatives, October 30th, A. D., 1799. The House proceeded to take under their consideration the resolutions of the General Assembly of Virginia, relative to certain measures of the General Government, transmitted to the Legislature of this State, for their consideration: Whereupon,

Resolved, That the General Assembly of the State of Vermont do highly disapprove of the resolutions of the General Assembly of the State of Virginia, as being unconstitutional in

their nature, and dangerous in their tendency. It belongs not to State Legislatures to decide on the constitutionality of laws made by the General Government; this power being exclusively vested in the judiciary courts of the Union: That his excellency the Governor be requested to transmit a copy of this resolution to the executive of Virginia, to be communicated to the General Assembly of that State: And that the same be sent to the Governor and Council for their concurrence.

SAMUEL C. CRAFTS, *Clerk.*

In Council, October 30, 1799. Read and concurred in unanimously. RICHARD WHITNEY, *Secretary.*

KENTUCKY RESOLUTIONS OF 1798 AND 1799.

[The original draught prepared by Thomas Jefferson.]

The following Resolutions passed the House of Representatives of Kentucky, Nov. 10th, 1798. On the passage of the first Resolution, one dissentient; 2d, 3d, 4th, 5th, 6th, 7th, 8th, two dissentients; 9th, three dissentients.

I. *Resolved*, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and, that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State, and is an integral party; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but, that as in all other cases of compact, among parties having no common judge, EACH PARTY HAS AN EQUAL RIGHT TO JUDGE FOR ITSELF, AS WELL OF INFRACTIONS AS OF THE MODE AND MEASURE OF REDRESS.

II. *Resolved*, That the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the high seas, and offences

against the laws of nations, and no other crimes whatever; and it being true, as a general principle, and one of the amendments to the Constitution having also declared, "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," therefore, also, the same act of Congress, passed on the 14th day of July, 1798, and entitled, "An act in addition to the act entitled an act for the punishment of certain crimes against the United States;" as also, the act passed by them on the 27th day of June, 1798, entitled, "An act to punish frauds committed on the Bank of the United States," (and all other their acts which assume to create, define, or punish crimes other than those enumerated in the Constitution) *are altogether void and of no force*, and that the power to create, define, and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective States, each within its own territory.

III. *Resolved*, That it is true, as a general principle, and is also expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people;" and, that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or to the people; that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessoning their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated rather than the use be destroyed; and thus also they guarded against all abridgment by the United States, of the freedom of religious principles and exercises, and retained to themselves the right of protecting the same, as this, stated by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference: and, that, in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares, that "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," thereby guarding in the same sentence, and under the same

words, the freedom of religion, of speech, and of the press, insomuch, that whatever violates either, throws down the sanctuary which covers the others; and that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of Federal tribunals. That therefore the act of the Congress of the United States, passed on the 14th of July, 1798, entitled, "An act in addition to the act entitled an act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is NOT LAW, but is altogether VOID and OF NO FORCE.

IV. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the State wherein they are: that no power over them has been delegated to the United States, nor prohibited to the individual States distinct from their power over citizens; and it being true, as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people," the act of the Congress of the United States, passed the 22d day of June, 1798, entitled, "An act concerning aliens," which assumes power over alien friends not delegated by the Constitution, is NOT LAW, but is altogether VOID and OF NO FORCE.

V. *Resolved*, That in addition to the general principle as well as the express declaration, that powers not delegated are reserved, another and more special provision inferred in the Constitution, from abundant caution has declared, "that the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." That this Commonwealth does admit the migration of alien friends described as the subject of the said act concerning aliens; that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would be nugatory; that to remove them when migrated is equivalent to a prohibition of their migration, and is, therefore, contrary to the said provision of the Constitution, and *void*.

VI. *Resolved*, That the imprisonment of a person under the protection of the laws of this Commonwealth on his failure to obey the simple order of the President to depart out of the United States, as is undertaken by the said act, entitled, "An act concerning aliens," is contrary to the Constitution, one amendment in which has provided, that "no person shall be deprived of liberty without due process of law," and, that

another having provided, "that in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury, to be informed as to the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defence," the same act undertaking to authorize the President to remove a person out of the United States who is under the protection of the law, on his own suspicion, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favor, without defence, without counsel, is contrary to these provisions also of the Constitution, is therefore NOT LAW, but utterly VOID and OF NO FORCE.

That transferring the power of judging any person who is under the protection of the laws, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides, that, "the judicial power of the United States shall be vested in the courts, the judges of which shall hold their office during good behavior," and that the said act is void for that reason also; and it is further to be noted that this transfer of judiciary power is to that magistrate of the General Government who already possesses all the executive, and a qualified negative in all the legislative powers.

VII. *Resolved*, That the construction applied by the General Government (as is evident by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress power to lay and collect taxes, duties, imposts, excises; to pay the debts, and provide for the common defence, and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution: That words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument: That the proceedings of the General Government under color of those articles, will be a fit and necessary subject for revisal and correction at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

VIII. *Resolved*, That the preceding resolutions be transmit-

ted to the Senators and Representatives in Congress from this Commonwealth, who are enjoined to present the same to their respective houses, and to use their best endeavors to procure at the next session of Congress a repeal of the aforesaid unconstitutional and obnoxious acts.

IX. *Resolved lastly,* That the Governor of this Commonwealth be, and is hereby authorized and requested to communicate the preceding resolutions to the legislatures of the several States, to assure them that this Commonwealth considers union for special national purposes, and particularly for those specified in their late federal compact, to be friendly to the peace, happiness and prosperity of all the States—that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe, that to take from the States all the powers of self-government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these States; And that, therefore, this Commonwealth is determined, as it doubts not its co-States are, to *submit* to *undelegated* and consequently unlimited *powers in no man, or body of men on earth:* that if the acts before specified should stand, these conclusions would flow from them; that the General Government may place any act they think proper on the list of crimes and punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them; that they may transfer its cognizance to the President or any other person, who may himself be the accuser, counsel, judge, and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction; that a very numerous and valuable description of the inhabitants of these States, being by this precedent reduced as outlaws to the absolute dominion of one man and the barriers of the Constitution thus swept from us all, no rampart now remains against the passions and the power of a majority of Congress, to protect from a like exportation or other grievous punishment the minority of the same body, the legislatures, judges, governors, and counsellors of the States, nor their other peaceable inhabitants who may venture to reclaim the constitutional rights and liberties of the States and people, or who, for other causes, good or bad, may be obnoxious to the view or marked by the suspicions of the President, or to be thought dangerous to his or their elec-

tions or other interests, public or personal; that the friendless alien has been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather has already followed; for, already has a sedition act marked him as a prey: That these and successive acts of the same character, unless *arrested on the threshold*, may tend to drive these States into revolution and blood, and will furnish new calumnies against republican governments, and new pretexts for those who wish it to be believed, that man cannot be governed but by a rod of iron; that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is every where the parent of despotism; free government is found in jealousy and not in confidence; it is jealousy and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which, and no farther, our confidence may go; and let the honest advocate of confidence read the Alien and Sedition acts, and say if the Constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits? Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on the President, and the President of our choice has assented to and accepted over the friendly strangers, to whom the mild spirit of our country and its laws had pledged hospitality and protection; that the men of our choice have more respected the bare suspicions of the President than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice. In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution. That THIS COMMONWEALTH DOES THEREFORE CALL ON ITS CO-STATES for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes herein before specified, plainly declaring whether these acts are or are not authorized by the federal compact. *And it doubts not that their sense will be so announced as to prove their attachment to limited government, whether general or particular, and that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked on a common bottom with their own: But they will concur with this Commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the*

General Government, but that it will proceed in the exercise over these States of all powers whatsoever. That they will view this as seizing the rights of the States and consolidating them in the hands of the General Government, with a power assumed to bind the States (not merely in cases made federal) but in all cases whatsoever, by laws made, not with their consent, but by others against their consent; that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States recurring to their natural rights in cases not made federal, will concur in declaring these VOID *and of no* FORCE, *and will each unite with this Commonwealth in requesting their repeal at the next session of Congress.*

EDMUND BULLOCK, S. H. R.
JOHN CAMPBELL, S. S. P. T.

Passed the House of Representatives, Nov. 10, 1798.
Attest, THOS. TODD, C. H. R.

In SENATE, Nov. 13, 1789—Unanimously concurred in.
Attest, B. THURSTON, C. S.

Approved, November 19th, 1798.
JAMES GARRARD, Governor of Kentucky.

By the Governor,
HARRY TOULMIN, Secretary of State.

HOUSE OF REPRESENTATIVES, *Thursday, Nov.* 14, 1799.

The House, according to the standing order of the day, resolved itself into a Committee of the whole House, on the state of the Commonwealth, Mr. Desha in the chair; and, after some time spent therein, the Speaker resumed the chair, and Mr. Desha reported, that the Committee had taken under consideration sundry resolutions passed by several State Legislatures, on the subject of the Alien and Sedition Laws, and had come to a resolution thereupon, which he delivered in at the Clerk's table, where it was read and *unanimously* agreed to by the House, as follows:

The representatives of the good people of this Commonwealth, in General Assembly convened, having maturely considered the answers of sundry States in the Union, to their resolutions passed the last session, respecting certain unconstitutional laws of Congress, commonly called the Alien and Sedition Laws, would be faithless, indeed, to themselves and to those they represent, were they silently to acquiesce in the principles and

doctrines attempted to be maintained in all those answers, that of Virginia only excepted. To again enter the field of argument, and attempt more fully or forcibly to expose the unconstitutionality of those obnoxious laws, would, it is apprehended, be as unnecessary as unavailing. We cannot, however, but lament, that, in the discussion of those interesting subjects, by sundry of the Legislatures of our sister States, unfounded suggestions, and uncandid insinuations, derogatory to the true character and principles of this Commonwealth, have been substituted in place of fair reasoning and sound argument. Our opinions of these alarming measures of the General Government, together with our reasons for those opinions, were detailed with decency, and with temper, and submitted to the discussion and judgment of our fellow-citizens throughout the Union. Whether the like decency and temper have been observed in the answers of most of those States, who have denied or attempted to obviate the great truths contained in those resolutions, we have now only to submit to a candid world. Faithful to the true principles of the Federal Union, unconscious of any designs to disturb the harmony of that Union, and anx ious only to escape the fangs of despotism, the good people of this Commonwealth are regardless of censure or calumniation. Least, however, the silence of this Commonwealth should be construed into an acquiescence in the doctrines and principles advanced and attempted to be maintained by the said answers, or least those of our fellow-citizens throughout the Union who so widely differ from us on those important subjects, should be deluded by the expectation, that we shall be deterred from what we conceive our duty, or shrink from the principles contained in those resolutions—therefore,

Resolved, That this Commonwealth considers the Federal Union, upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several States: That it does now unequivocally declare its attachment to the Union, and to that compact, agreeably to its obvious and real intention, and will be among the last to seek its dissolution: That if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State Governments, and the creation upon their ruins of a General Consolidated Government, will be the inevitable consequence: THAT THE PRINCIPLE AND CONSTRUCTION CONTENDED FOR BY SUNDRY OF THE STATE LEGISLATURES, THAT THE GENERAL GOVERNMENT IS THE EXCLU-

SIVE JUDGE OF THE EXTENT OF THE POWERS DELEGATED TO IT, STOP NOTHING SHORT OF DESPOTISM—SINCE THE DISCRETION OF THOSE WHO ADMINISTER THE GOVERNMENT, AND NOT THE CONSTITUTION, WOULD BE THE MEASURE OF THEIR POWERS: That the several States who formed that instrument being sovereign and independent have the unquestionable right to judge of the infraction; and, THAT A NULLIFICATION BY THOSE SOVEREIGNTIES, OF ALL UNAUTHORIZED ACTS DONE UNDER COLOR OF THAT INSTRUMENT IS THE RIGHTFUL REMEDY: That this Commonwealth does, under the most deliberate reconsideration, declare, that the said Alien and Sedition Laws are, in their opinion, palpable violations of the said Constitution; and, however cheerful it may be disposed to surrender its opinion to a majority of its sister States, in matters of ordinary or doubtful policy, yet, in no momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal: That although this Commonwealth, as a party to the Federal compact, will bow to the laws of the Union, yet, it does at the same time declare, that it will not now, or ever hereafter, cease to oppose in a constitutional manner every attempt, at what quarter soever offered, to violate that compact. And, finally, in order that no pretext or arguments may be drawn from a supposed acquiescence, on the part of this Commonwealth, in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the Federal compact—this Commonwealth does now enter against them its SOLEMN PROTEST.

Extract, &c. Attest, THOS. TODD, C. H. R.

In SENATE, Nov. 22, 1799—Read and concurred in.

Attest, B. THURSTON, C. S.

APPENDIX.

ORDINANCE OF 1787.

CESSION FROM THE STATE OF VIRGINIA.

Whereas the General Assembly of Virginia, at their session, commencing on the 20th day of October, 1783, passed an act to authorize their delegates in Congress to convey to the United States in Congress assembled, all the right of that Commonwealth to the territory northwestward of the river Ohio: and whereas the delegates of the said Commonwealth have presented to Congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

To all who shall see these presents, we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

Whereas the General Assembly of the Commonwealth of Virginia, at their sessions, begun on the 20th day of October, 1783, passed an act, entitled, "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the right of this Commonwealth to the territory northwestward of the river Ohio," in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union: and whereas this Commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim, which

the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. And whereas the United States in Congress assembled have, by their act of the thirteenth of September last, stipulated the terms on which they agree to accept the cession of this State, should the Legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence, that Congress will, in justice to this State, for the liberal cession she hath made, earnestly press upon the other States claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the Union. Be it enacted by the General Assembly, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of Congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States.

That the necessary and reasonable expenses incurred by this State, in subduing any British posts, or in maintaining forts and garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and

liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then colonel, now general George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops, upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. Provided, that the trust hereby reposed in the delegates of this State shall not be executed unless three of them at least are present in Congress.

And whereas the said General Assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force: Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said General Assembly of Virginia, before recited, and in the name, and for and on behalf, of the said Commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United States, in Congress assembled, for the benefit of the said States, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the Independence of the United States the eighth.

Resolved, That the United States in Congress assembled are ready to receive this deed, whenever the delegates of the State of Virginia are ready to execute the same.

The delegates of Virginia then proceeded and signed, sealed, and delivered the said deed; whereupon Congress came to the following resolution:

The delegates of the Commonwealth of Virginia having executed the deed,

Resolved, That the same be recorded and enrolled among the acts of the United States, in Congress assembled.

Resolved, That it be, and it hereby is, recommended to the Legislature of Virginia, to take into consideration their act of cession: and revise the same, so far as to empower the United States in Congress assembled, to make such a division of the territory of the United States, lying northerly and westerly of the river Ohio, into distinct republican States, not more than five nor less than three, as the situation of that country and future

circumstances may require; which States shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States: in conformity with the resolution of Congress of the tenth October, 1780.*

According to order, the ordinance for the government of the territory of the United States northwest of the river Ohio, was read a third time, and passed, as follows:

An ordinance for the government of the territory of the United States northwest of the river Ohio.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half-blood; saving in all cases to the widow of the intestate her third part of the

* *Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress, of the sixth day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States: that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: that the necessary and reasonable expenses which any particular State shall have incurred, since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of, the territory that may be ceded or relinquished to the United States, shall be reimbursed:

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.—*Journals of Congress, October* 10, 1780.

real estate for life, and one-third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the Legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered, by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the

circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

The Governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the Governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary Government, be appointed by the Governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district; and for the execution of process, criminal and civil, the Governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the Governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly; provided that, for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the Legislature; provided, that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres

of land within the same; provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the Governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The General Assembly, or Legislature, shall consist of the Governor, Legislative Council, and a House of Representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the Governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid: and whenever a vacancy shall happen in the Council, by death or removal from office, the House of Representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term: And every five years, four months at least before the expiration of the time of service of the members of the Council, the said House shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the Council five years, unless sooner removed. And the Governor, Legislative Council, and House of Representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the House, and by a majority in the Council, shall be referred to the Governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion it shall be expedient.

The Governor, Judges, Legislative Council, Secretary, and

such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the Governor before the President of Congress, and all other officers before the Governor. As soon as a Legislature shall be formed in the district, the Council and House assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary Government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal Councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and for ever remain unalterable, unless by common consent, to wit:

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate: and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary, for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as

follows, to wit: the western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: provided the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784,* relative to the subject of this

* *Resolved*, That so much of the territory ceded or to be ceded by individual States to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct States in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from north to south two degrees

ordinance, be, and the same are hereby repealed and declared null and void. Done, &c.

Whereas the United States in Congress assembled did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons, showing that a division of the territory which hath been ceded to the said United States, by this commonwealth, into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican States, not more than five nor less than three in number, as the situation of that country and future circumstances might require: and the said United States in Congress assembled have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of

of latitude, beginning to count from the completion of forty-five degrees north of the equator: and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the great Kanhaway; but the territory eastward of this last meridian, between the Ohio, lake Erie, and Pennsylvania, shall be one State, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree, between the said meridians, shall make part of the State adjoining it on the south; and that part of the Ohio, which is between the same meridians, coinciding nearly with the parallel of 39 degrees, shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale, shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age, within the limits of their State, to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original States, so that such laws, nevertheless, shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

That when any such State shall have acquired twenty thousand free inhabitants, on giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves. Provided, that both the temporary and permanent governments be established on these principles as their basis:

1. That they shall for ever remain a part of this confederacy of the United States of America.

2. That they shall be subject to the articles of confederation in all those cases in which the original States shall be so subject, and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

3. That they, in no case, shall interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the ordinances and regulations which Congress may find necessary for securing the title in such soil to the bona fide purchasers.

4. That they shall be subject to pay a part of the federal debts contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States and the people and States in the said territory, viz:

[Here the 5th article of compact, of the ordinance of Congress of 13th July, 1787, is recited verbatim. See ante, page 297.]

And it is expedient that this Commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original States and the people and States in the said territory.

2. Be it, therefore, enacted, by the General Assembly, That the aforerecited article of compact, between the original States and the people and States in the territory northwest of Ohio river, be, and the same is hereby ratified and confirmed, any thing to the contrary, in the deed of cession of the said territory by this Commonwealth to the United States, notwithstanding.

5. That no tax shall be imposed on lands the property of the United States.

6. That their respective governments shall be republican.

7. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.

That whensoever any of the said States shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original States; provided the consent of so many States in Congress is first obtained as may, at the time, be competent to such admission. And in order to adapt the said articles of confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the States, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine States is now required, which, being agreed to by them, shall be binding on the new States. Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a member in Congress, with a right of debating, but not of voting.

That measures, not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new States, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

That the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled, under his hand, and the seal of the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original States, and each of the several States now newly described, unalterable from and after the sale of any part of the territory of such State, pursuant to this resolve, but by the joint consent of the United States in Congress assembled, and of the particular State within which such alteration is proposed to be made.—*Journals of Congress.*

Abstract of the Laws of Prussia of December 31, 1842, *on the subject of Emigration and of Military Service.*

PARAGRAPH 15.—*The quality of a Prussian subject is lost:*

1st. By discharge upon the subject's request:
2nd. By sentence of the competent authority:
3rd. By living ten years in a foreign country:
4th. By marriage of a female Prussian with a foreigner.

PARAGRAPH 16.

The discharge has to be asked from the police authority of the province in which the subject's domicil is situated, and is effected by a document made out by the same authority.

PARAGRAPH 17.—*The discharge cannot be granted:*

1st. To male subjects who are between seventeen and twenty-five years of age, until they have got a certificate of the military commission of recruitment of their district, proving that their application for discharge is not made merely to avoid the fulfilling of their military duty in the standing army:

2nd. To actual soldiers belonging either to the standing army or to the reserve, to officers of the militia, and to public functionaries, before their being discharged from service.

3rd. To subjects having formerly served as officers in the standing army or the militia, or having been appointed military employés with the rank of officers of civil functionaries, before they have got the consent of their former chief.

4th. To the persons belonging to the militia, not being officers, after their having been convoked for actual service.

PARAGRAPH 18.

To subjects wishing to emigrate into a State of the German confederacy, the discharge may be refused if they cannot prove that the said State is willing to receive them.—(See Act of the German Confederation, Art. 18, No. 2, letter A.)

PARAGRAPH 19.

For other reasons than those specified in Paragraphs 17 and 18, the discharge cannot be refused in time of peace. For the time of war special regulations will be made.

PARAGRAPH 20.

The document of discharge effects, at the moment of its delivery, the loss of the quality as Prussian subjects.

PARAGRAPH 21.

If there is no special exception, the discharge comprehends also the wife and the minor children that are still under the father's authority.

PARAGRAPH 22.

Subjects living in Foreign Countries may lose their quality as Prussians by a declaration of the police authority of Prussia, if they do not obey, within the time fixed to them, the express summons for returning to their country.

PARAGRAPH 23.

Subjects who either,

1st. Leave our States without permission, and do not return within ten years, or

2nd. Leave our States with permission, but do not return within ten years after the expiration of the term granted by the said permission, lose their quality as Prussian subjects.

PARAGRAPH 24.—*Entering into public service in a Foreign State.*

The entering of a subject into public service in a foreign State is allowed only after his discharge (see paragraph 20,) has been granted to him. Any body who has obtained it, is permitted to do so without restriction.

PARAGRAPH 25.

A subject who,

1st. Either takes public service in a foreign State with our immediate permission:

2nd. Or is appointed in our State by a foreign Power in an office established with our permission, as, for instance, that of Consul, Commercial Agent, &c., remains in his quality as a Prussian.

PARAGRAPH 26.—*General Disposition.*

Subjects who emigrate without having obtained their discharge, or violate, by their entering into public service in a foreign State, the disposition of Paragraph 24, are to be punished according to the laws existing in that respect.

Extract from the Constitution of Prussia of 1850.

Tit: II. Rights of the Prussians.

Art: 11. The right to emigrate cannot be restricted by the State, except with respect to the duty of military service.

Extract from Circular to Consuls and Commercial Agents of the United States, from Department of State, dated September 18, 1854.

Consuls and Commercial Agents, &c., are prohibited, under a heavy fine, by the 2d section of the Act of 28th of February, 1803, from granting a passport or other paper, certifying that an alien, knowing him or her to be such, is a citizen of the United States, and they should be careful not to be led into a violation of this Act by granting a passport as an American citizen to an alien who may have become domiciled in the United States, or to a foreigner who has merely declared his intention to become an American citizen. Both of these classes of persons, however, may be entitled to some recognition by this Government, and this can be afforded by merely certifying to the genuineness of their papers when presented for attestation, provided the Consul or Commercial Agent should have no reasonable doubts of their authenticity. Consuls and Commercial Agents are instructed, in no case to grant or visé passports to foreigners coming to the United States, as no such papers are required in this country, and to supply or visé them would only subject the applicants to an unnecessary expense.

The attention of Consuls and Commercial Agents located at ports where there is more or less emigration to the United States, is particularly called to the General Regulations, No. 34, issued on the 26th of August last by the Treasury Department; and they will not omit to report any violation, which may come to their knowledge, of the laws of the United States regulating passenger ships and vessels. They will, also, not omit, in cases of the intended shipment of paupers and pardoned convicts to this country, to give timely notice of the fact, both to this Department and to the Collector of the Customs at the port to which the vessel having them on board may be bound, furnishing the names of the parties, a description of their persons, the name of the vessel, the date of sailing, &c., in order that proper steps may be taken for the enforcement of such police regulations as may have been adopted by the several States upon the subject.

FREMONT—HIS SUPPORTERS AND THEIR RECORD.

THE OPINIONS OF OUR GREAT STATESMEN UPON THE MISSOURI RESTRICTION.

BY AN INDIANIAN.

The Black Republican candidate for the Presidency, though a senator of the United States for several months, was in his seat and participated in the proceedings of that body but twenty-one days; yet, during that time, he showed himself to be a most ultra pro-slavery man.

He is now the candidate of, and supported by, that class of abolitionists who demand that wherever Congress has the power, slavery shall be abolished.

When bill No. 226, "To suppress the slave trade in the District of Columbia," was under consideration, Mr. Seward moved an amendment, "To abolish slavery in the District of Columbia." Chase, Hale and Seward voted for the amendment, and FREMONT and DAYTON against it. (Senate Journal, 1st session 31st Congress, p. 627.)

Subsequently, when bill No. 347 was under consideration, the same amendment was proposed by Mr. Hale, and supported by Messrs. Hale, Chase and Seward, and opposed by Messrs. FREMONT and DAYTON. (Senate Journal, 1st session 31st Congress, p. 647.)

Under the responsibility of official duty, and the obligations of his senatorial oath, Mr. Fremont resisted the proposition to abolish slavery in the District of Columbia, although he conceded the power. Yet, he is now the candidate of the party with which that measure is first in importance. What brought about this change in his views of right and duty in relation to so important a measure? Has he abandoned a high principle to attain a high position? Has his gaze been so intent upon the White House, that he would send his principles to the auction block, that he might reach the Presidency? Let the unprejudiced mind answer.

The Senate on the 14th of September, 1850, resumed the consideration of bill No. 226, "To suppress the slave trade in the District of Columbia," the third section of which provided, that any person who should induce or entice a slave to run away from his master should be imprisoned in the penitentiary for ten years. Senator Badger, of North Carolina, moved to strike out the clause denouncing a penalty of ten years' imprisonment, and insert, "For any time not exceeding five years."

Mr. FREMONT voted against this amendment. (Senate Journal, 1st session 31st Congress, p. 632.)

He was the only senator representing a free State who voted against

that wise and humane proposition, originating in the benevolent feelings of a southern senator. In his judgment, to persude a slave to leave his master was a crime of such magnitude, that nothing less than *ten years'* imprisonment in a southern penitentiary would be an adequate punishment; and so stern and harsh must the law be, that the court should be denied all discretion in imposing the penalty, nor allowed to take into consideration the character, age, or intelligence of the accused, nor any mitigating circumstance. The amendment was proposed by a southern senator, an enlightened and able defender of southern rights and institutions, but it was too liberal, too indulgent to secure the vote of Mr. Fremont, though he represented a free State. To satisfy his convictions of right, the man who might encourage a faithful slave to escape from a cruel master, must be crushed with a penalty more severe than is usually inflicted upon the perpetrators of high crimes and infamous felonies in the States. For crimes against the property and persons of the people, the courts and juries may, in most cases, reduce the imprisonment to a term of two years; but the misguided enthusiast, or blind fanatic, who should encourage a slave to flee for liberty, is denied the mercy of the court, and must suffer a fixed and certain penalty of ten years' imprisonment in the penitentiary. So voted Fremont—and in giving that vote he stood *alone* among the senators from the *North*. That record stands unchanged; but where stands the man who made it?—the man who was so ultra in his views that a southern measure was not sufficiently stringent—he who was so quick and valiant to draw his sword for the South? Six years have passed since that record, but in that short period the relative position and strength of the sections, North and South, have greatly changed. The North has become powerful and defiant—whilst the South, by calling into action every energy, is scarcely able to maintain her constitutional rights, and her equality in the Union. A sectional party in the North seeks to seize and control the government, and this late champion of the South, John C. Fremont, is their candidate for the Presidency. He is supported by Seward, Sumner, Giddings, Chase, Wade, Hale, and their compeers—the acknowledged leaders and mouth-pieces of the Abolition party of the United States.

John C. Fremont has made no political record since his brilliant senatorial career; therefore to ascertain the opinions and sentiments that will govern him in his administration of public affairs, if the American people shall, by their suffrage, place him in the highest office in the gift of a free people, we must recur to the avowed and published opinions and purposes of his political associates.

The leaders of his party have a record—a record of vituperation against the Democratic party, against the federal constitution, and against the federal Union; this record we submit to the American people, and ask them to decide, in November next, whether the diversified interests of this great country are to be subserved by committing them to the management of such men.

On the petition of John J. Woodward and others, praying that a plan might be devised for a *dissolution of the Union*, the yeas were, SALMON P. CHASE, JOHN P. HALE, and WILLIAM H. SEWARD. (Senate Journal, 1st session 31st Congress, p. 129.)

These men are now the acknowledged leaders of Black Republicanism; they are of those who *profess* love for the constitution and the Union, whilst black and horrid treason has *possession* of their hearts; but when they nominated John C. Fremont, they declared to the world that "the constitution must and shall be preserved." This they did, only to deceive the confiding, and mislead the unwary. Their votes speak louder than their words. They use the language of patriotism and of love for the Union to secure the support of Union-loving men, whilst their votes, their acts, and their organization, lead only to a dissolution, and all the evils that must follow. They believe in the "higher-law" doctrine, first enunciated at a Black Republican (then called a Liberty) convention, held in the city of Buffalo in 1843, at which the following resolution was unanimously adopted, with Salmon P. Chase as chairman of the Committee on Resolutions:

"*Resolved*, That we hereby give it to be *distinctly understood*, by this nation and the world, that, AS ABOLITIONISTS, considering that the strength of our cause lies in its righteousness, and our hopes for it in our conformity to the laws of God, and our support of the rights of man, we owe to the sovereign Ruler of the Universe, *as a proof of our allegiance to Him*, in all our civil relations and *offices*, whether as friends, citizens, or as *public functionaries*, *sworn to support* the constitution of the United States, to regard and treat the third clause of the instrument, whenever applied in the case of a fugitive slave, as *utterly null and void*, and consequently as forming *no part of the constitution of the United States*, *whenever* we are *called upon*, or *sworn* to support it."

This doctrine was reiterated in June, 1853, at Ravenna, Ohio, by a mass meeting of Free-soilers, which was addressed by CHASE, GIDDINGS, SAMUEL LEWIS, and JUDGE SPAULDING, (all of whom are now the champions of the Fremont cause,) by the adoption of the following resolution:

"*Resolved*, That we cannot respect, nor can we confide in those *lower-law doctors* of divinity who hold human laws above the laws of God; nor can we concur in their teachings, that the divine law is subject to *Congressional compromises*."

And again announced by the Hon. Charles Sumner, in 1854, in the Senate of the United States.

Mr. Butler, of South Carolina, asked, "If we repeal the fugitive-slave law, will Massachusetts execute the provision of the constitution without any law of Congress?" Will this honorable senator [Mr. Sumner] tell me that he will do it?" To which Mr. Sumner replied: "Is thy servant a dog, that he should do this thing?" Mr. Butler continued: "Then you would not obey the constitution. Sir, standing here before this tribunal, where you swore to support it, you rise and tell me that you regard it the office of a dog to enforce it. You stand in my presence as a co-equal senator, and tell me that it is a dog's office to execute the constitution of the United States?" To which Mr. Sumner said: "I recognise no such obligation."

Welcome is Mr. Sumner to his senatorial honors, acquired by charging that only a "dog" could recognise or execute an express clause of the constitution of the United States, which, however, is in strict accordance with the Buffalo and Ravenna resolutions, and comports with the "higher-law" notions of the party who recently made Colonel Fremont their presidential candidate.

This doctrine, which makes the private notions or prejudices of each individual the paramount law of his political action, is but a practical development of the "higher-law" notions as applied to American poli-

tics by William H. Seward, who, in a speech delivered in the United States Senate in 1850, said:

"The constitution regulates our stewardship; the constitution devotes the domain to Union, to justice, to defence, to welfare, and to liberty. But there is a *higher law than the constitution*, which regulates our authority over the domain, and devotes it to the same noble purposes."

It is scarcely necessary to say that, with such ideas in the ascendant in any country, no government is practical, and anarchy and confusion, and brute force, must inevitably rule the hour. Bodies of men or individuals, maddened by sectional or party prejudices, will never want an excuse for the violation of unpalatable laws, so long as they are permitted to substitute the vagaries of their own distempered intellects as having a stronger claim to their obedience than the constitution of their country.

As a further development of this idea of individual sovereignty, Wendell Phillips, of Massachusetts, at a Free-soil meeting in Boston, in May, 1849, said:

"We confess that we intend to trample under foot the constitution of this country. Daniel Webster says: 'You are a law-abiding people;' that the glory of New England is, 'that it is a law-abiding community.' Shame on it, if this be true; if even the religion of New England sinks as low as its statute-book. But I say *we are not a law-abiding community*. God be thanked for it."

But the Black Republican platform says:

"The federal constitution, the rights of the States, and the Union of the States, must and shall be preserved."

In preservation of the "rights of the States," JOSHUA R. GIDDINGS, in the House of Representatives, in May, 1854, said:

"I look forward to the day when there shall be a servile insurrection in the South; when the black man, armed with British bayonets, and commanded by British officers, shall wage a war of extermination against the white man; when the master shall see his dwelling in flames, and his *hearth-stone polluted;* and, though I may not mock at their calamity, nor laugh when their fear cometh, yet shall I hail it as the dawn of a political millenium."

The man who uttered this *chaste* sentiment contributed more to the nomination of Fremont than perhaps any other man in the convention; he was the master-spirit of that convention, and was no doubt the author of that clause in the platform which declares "the rights of the States must and shall be preserved." Yes, such preservation "as the wolf gives to the lamb!"

But certainly that Black Republican party which *professes* so much love for the federal constitution and the union of the States must have a record in strict conformity to such professions. Let us, then, look to that record. Mr. Mann, of Massachusetts, in 1850, expressed his love for the constitution and the Union as follows:

"I have only to add, that, under a full sense of my responsibility to my country and my God, I *deliberately* say, better disunion, better a civil or a servile war, better anything that God, in his Providence, shall send, than an extension of the bounds of slavery."

At a celebration of the 4th day of July, 1854, by citizens of Massachusetts, in which the Rev. (?) Theodore Parker, Wendell Phillips, and others, took the lead, the constitution of the United States was thrown into a fire, built for that purpose, and burnt in derision of the American Union.

Senator Wade, of Ohio, in a speech to a mass meeting of the Black Republicans, held in the State of Maine in 1855, according to the Boston Atlas, said:

"There was no freedom at the South for either white or black, and he would strive to protect the free soil of the North from the same blighting curse. *There was really no Union now between the North and the South*, and he believed no two nations upon the earth entertained feelings of more bitter rancor towards each other than these two sections of the republic. The only salvation of the Union, therefore, *was to be found in divesting it entirely from all taint of slavery. There was no Union with the South.* Let us have a Union, said he, *or let us sweep away this remnant which we call a Union.* I go for a Union where all men are equal, or for no Union at all, and I go for right."

This speech was vociferously applauded by the constitution-union-loving people of Maine.

These disunion sentiments, and the man who uttered them, were endorsed by the Black Republican legislature of Ohio in 1856, by re-electing him to the Senate of the United States. The Black Republicans of the great State of Ohio, therefore, respond faithfully to the sentiment: "*Let us sweep away this remnant which we call a Union.*"

This same party, at a convention held in Boston in 1855, adopted, by a unanimous vote, the following resolutions:

"15. *Resolved*, That a constitution which provides for a slave representation and a slave oligarchy in Congress, which legalizes slave hunting and slave catching on every inch of American soil, and which pledges the military and naval power of the country to keep four millions of chattel slaves in their chains, is to be trodden under foot and p onounced accursed, however unexceptionable or valuable may be its other provisions.

"16. *Resolved*, That the one great issue before the country is, the dissolution of the Union, in comparison with which all other issues with the slave power are as dust in the balance; therefore, we will give ourselves to the work of annulling this 'covenant with death,' as essential to our own innocency, and the speedy and everlasting overthrow of the slave system."

This same party "loves this Union!" yet, at various meetings and processions in Indiana, during the month of July, 1856, flags and transparencies were carried with but *sixteen stars;* emblematic of a northern confederacy of the sixteen free States. The same thing has recently occurred in the State of Maine:

"Hannibal Hamlin, Lot M. Morril, and Charles W. Goddard, esq., of Danville, addressed a Fremont meeting at Norway on Monday, standing under an American flag, on which were only *sixteen stars!*

"The disunion flag, with sixteen stars only, still continues to float across the public highway in this village—an emblem of sectionalism, and a disgrace to the party who placed it there."—*Norway Advertiser.*

"The 'Portland State of Maine' has hung out a Fremont and Dayton flag, on which are only sixteen stars.

"A salute of sixteen guns was fired at Portland the day Hamlin was nominated for governor.

"Only sixteen States were represented in the convention which nominated Fremont and Dayton.

"These are significant signs of the disunion tendencies and feelings of the Black Republicans. They scarcely take any pains to disguise their hostility to the Union. Let those who love their country and desire to perpetuate the Union ponder these things, and then *do their duty.*"

Senator Sumner, of Massachusetts, in a speech delivered in Faneuil Hall, Boston, on the 2d November, 1855, said:

"Not that I love the Union less, but freedom more, do I now, in pleading this great cause, insist that freedom, AT ALL HAZARDS, shall be preserved. God forbid *that for the sake of the Union*, we should sacrifice the very thing for which the Union was made."

Our glorious Union was formed to promote the prosperity and happiness of the white race, and as a condition of the Union, expressed in the constitution, the rights of the slave States are recognised and guarantied. Shall it be sacrificed to a false philanthropy, a wild and fanatical sentimentality towards the black race? You respond "yes," when you, as sectional men, support John Charles Fremont.

Wade, Sumner, and their political associates, have long and openly declared their disunion sentiments; they have violated their constitutional obligations; they have defamed our glorious constitution; they

have traduced their country, and have plotted treason against our beloved Union; they are the leaders of the black cohorts of Black Republicanism; whilst plotting treason, they are also plotting for the election of Fremont; and if successful in either, they will have accomplished their great first design, the disunion of these States.

Wendell Phillips issued a pamphlet in 1850, reviewing Mr. Webster's speech "on the constitutional rights of the States," in which is the following:

"We are disunionists, not from any love of separate confederacies, or as ignorant of the thousand evils that spring from neighboring and quarrelsome States, but we would get rid of this Union."

This man that uttered these delectable sentiments is a leading Black Republican of Massachusetts and New England, and his shrieks are loud and long for "free speech, FREE MEN, and Fremont."

The Black Republican-Know-nothing legislature of Massachusetts, in 1855, passed an act denominated the personal liberty bill, nullifying thereby an act of Congress, which, by the constitution, is a part of the supreme law of the land.

This "personal liberty bill," as has been well said, "menaces with *disfranchisement* any lawyer who appears for the claimant of the fugitive slave; menaces with *impeachment* any judge who issues a warrant or certificate, or holds even the office of commissioner under the federal law; and menaces with *infamous punishment* any ministerial officer or officer of militia who aids in its execution." And although Governor Gardner vetoed the bill because of its conflict with the constitution of the United States, yet this Black Republican and Know-nothing legislature passed it over the veto, and it became a law.

The legislature of Ohio, composed of the same material as the legislature of Massachusetts, at their session in 1856, passed laws nullifying the same acts of Congress.

Judge Spaulding, one of the leaders in the Black Republican convention from Ohio, said:

"In the case of the alternative being presented of the continuance of slavery or a dissolution of the Union, I am for dissolution, and I care not how quick it comes."

John P. Hale addressed the convention as follows:

"You have assembled, not to say whether this Union shall be preserved, but to say whether it shall be a blessing or a scorn and hissing among the nations."

Senator Wilson, on the 12th of June, 1855, in the Philadelphia Know-nothing convention, said:

"I am in favor of relieving the federal government from all connexion with, and responsibility for, the existence of slavery. To effect this object, I am in favor of the abolition of slavery in the District of Columbia, and the prohibition of slavery in all the Territories."

Mr. Wilson, by abolishing slavery in the District of Columbia, would perpetrate an act of bad faith, highly injurious to the peace and quietness of the States of Virginia and Maryland, from whom the cession was made to the general government. He would demand of a Congress, composed of members from all the States, to denounce and abolish an institution recognised and protected by fifteen States of this Union; yet what cares he for the peace and harmony of the Union, or the great wrong that he would inflict upon the South, so that his morbid appetite should be gratified? But the abolishment of slavery in the

District of Columbia, and the prohibition of slavery in the Territories, Mr. Clay said, were "but so many masked batteries, concealing the real and ultimate point of attack. That point of attack is the institution of slavery as it exists in the States. Their purpose is abolition—universal abolition—peaceably if they can, forcibly if they must."

Mr. Banks, the present Abolition-know-nothing Speaker of the House of Representatives, and who declined the nomination of the New York Know-nothing convention in favor of Mr. Fremont, said:

"I am not one of that class of men who cry for the perpetuation of the Union, *though I am willing, in a certain state of circumstances, to let it slide.*"

Mr. Josiah Quincy, of Boston, in a speech in August, 1854, said:

"The obligation incumbent upon the free States to deliver up fugitive slaves is that burden, and *it must be obliterated from that constitution at every hazard.*"

General James Watson Webb, a Black Republican leader, said, in the Philadelphia convention:

"Our people come together from all parts of the Union and ask *us* to give them a nomination which, when fairly put before the people, will unite public sentiment, and, through the ballot-box, will restrain and repel this pro-slavery extension and this aggression of the slaveocracy. What else are they doing? They tell you that they are willing to abide by the ballot-box, and willing to make that the last appeal. *If we fail there, what then?* WE WILL DRIVE IT BACK, SWORD IN HAND, *and, so help me God! believing that to be right, I am with them.*" [Loud and prolonged applause.]

Let the ballot-box fail to elect Fremont, and the cartridge-box is threatened against the American people. The idiosyncracies of the Black Republican party must prevail, or the fire and sword must follow. They are truly a constitution Union-loving party.

Mr. Burlingame, in the House of Representatives, in 1856, said:

"The times demand, and we must have, an ANTI-SLAVERY CONSTITUTION, AN ANTI-SLAVERY BIBLE, AND AN ANTI-SLAVERY GOD."

The following extract is from the "Boston Liberator," a paper now warmly supporting Mr. Fremont:

"Justice and liberty, God and man, demand the dissolution of this slaveholding Union and the formation of a NORTHERN CONFEDERACY, in which slaveholders shall stand before the law as *felons* and be treated as *pirates*. God and humanity demand a ballot-box in which the slaveholders shall never cast a ballot. In this, what State so prepared to lead as the Old Bay State? *She has already made it a penal offence to help to execute a law of the Union. I want to see the officers of the State brought into collision with those of the Union.*"

These benevolent and patriotic sentiments meet with a hearty response from the leaders of this Union-loving-Fremont party.

But of all the damnable sentiments that have ever met the public gaze were those uttered by that prince of Black Republicans, WILLIAM LLOYD GARRISON, who, in a speech made in New York on the 1st day of August, 1855, spoke thus:

"The issue is this: God Almighty has made it impossible from the beginning for liberty and slavery to mingle together, or a union to be founded between abolitionists and slaveholders—between those who oppress and those who are oppressed. THIS UNION IS A LIE; THE AMERICAN UNION IS A SHAM, AN IMPOSTURE, A COVENANT WITH DEATH, AN AGREEMENT WITH HELL, AND IT IS OUR BUSINESS TO CALL FOR A DISSOLUTION. LET THAT UNION BE ACCURSED WHEREIN THREE MILLIONS AND A HALF OF SLAVES CAN BE DRIVEN TO UNREQUITED TOIL BY THEIR MASTERS.

"I will continue to experiment no longer—it is all madness. LET THE SLAVEHOLDING UNION GO, AND SLAVERY WILL GO WITH THE UNION DOWN INTO THE DUST. If the church is against disunion, and not on the side of the slave, then I pronounce it as of the devil.

"I SAY LET US CEASE STRIKING HANDS WITH THIEVES AND ADULTERERS, and give to the winds the rallying cry, 'NO UNION WITH SLAVEHOLDERS, SOCIALLY OR RELIGIOUSLY, AND UP WITH THE FLAG OF DISUNION.'"

This party, with these leaders and this record, ask the American people to vote for their candidate for the presidency, John C. Fremont. Are you prepared to endorse the doctrine that, for our civil government, there is a "higher law" than the constitution? Are you prepared to say you owe no allegiance to that government which gives you protection in your person and property? that you "are not a law-abiding people?" Can you find it in your hearts to utter that this Union "is accursed," and that the great compact of your fathers is "a covenant with hell?" If you can deliberately do all this, then, indeed, are you a Black Republican, and you ought to cast your vote for John C. Fremont. But truly might you ask, "Is thy servant a dog, that he shall do this thing?"

For two years past the opponents of the Democratic party throughout the United States have waged a cruel and relentless war upon foreigners and members of the Roman Catholic church. These classes have been proscribed—commercial rights and political equality have been refused them—their fitness to participate in the affairs of government has been denied. They have been driven from the ballot-boxes, beaten and murdered in the streets, their homes sacked, their houses burned, and their wives and children cruelly murdered. That was the work of superstition, proscription, and bigotry. And whilst the rights of man were thus being crushed, and human blood made to flow, Abolitionism and Know-nothingism were allies—brothers in the field. Against them was arrayed the National Democracy. True to its mission, that party fought for the rights of man, and the freedom of religion. It has defeated and scattered the oath-bound forces of Know-nothingism. Democrats have fought the battle, and the foreigner is made secure in his social and political rights and privileges; and, strange to tell, the Abolitionists now ask him to turn against his friends.

His sympathies are invoked in behalf of the negro, and he is told that the war which they had waged for two years against him has ceased. Were not the legislatures of Massachusetts, Vermont, New Hampshire, and Connecticut, in 1855, composed almost entirely of Abolition-Know-nothings? Those legislatures passed laws to elevate, socially and politically, the negro, whilst they denied social or political equality to the adopted citizen. They denied their State courts to a foreigner, who should apply for naturalization; they hampered their law with conditions, so as to prevent the adopted citizen from exercising the elective franchise; they elevated the negro, and degraded the naturalized citizen; they are of the leaders of Fremont, and still shout "Down with the foreigners," "Up with the negroes," and "Americans must rule America." They are still of the Abolition party, and still against the Democracy; they hate the adopted citizen; they trample upon the constitution; they accurse the Union, and sing pæans of praise and love to the negro. Such is the Abolition-Know-nothing party of those States, and such are the supporters of John C. Fremont for the Presidency.

David Kilgore, in the Indiana Constitutional Convention in 1850, in speaking of our adopted citizens, said:

"A man, then, who has no feeling in common with us, who never felt the pulse of liberty till he set foot upon our soil, such a man is to enjoy the opportunity and the right to vote

amongst us, whilst these rights are to be denied to the unfortunate black man, who has ten times more intelligence, and who has lived in the State of Indiana from his birth." [See debates in the Convention, vol. 1, p. 253.]

And at the Black Republican State Convention in 1856, he said:

"No nomination should be made which would tread upon the toes of the Know-nothings—neither should a nomination be made which would tread upon the toes of the Free-soilers—even the most ultra anti-slavery man. * * * * * * He was opposed to foreigners. They should be permitted to come to this country—to buy lands here—to till the soil, but they should be the horses, not the drivers. The Americans would hold the lines—the foreigners could draw the burdens. [This infamous sentiment was applauded.] The foreigner should not be allowed to make our laws. He might live under them and must obey them, but he should have no voice in the making of them."

This man is now the Know-nothing-Abolition candidate for Congress in the fifth Congressional district in the State of Indiana, regularly nominated by what they termed a "Republican Convention," and if elected, he is pledged to labor in Congress for the principles of his party—the elevation of the negro, and the degradation of the unfortunate victims of European oppression, who have sought an asylum in free America. To this work of self-debasement the foreigner himself is asked to give his influence and vote. Will he give his vote to such men, and prove to them and the world that what his enemies have asserted is true—that he cannot appreciate a free government—that he is unfit to be a freeman? Let the adopted citizen ponder well before he casts his vote for his enemies, lest they may hereafter point to this very act, as evidence of a want of intelligence and capacity to vindicate the rights of a freeman.

On the 19th day of June, 1856, John C. Fremont was nominated for the Presidency by a grand council of Know-nothings, in the city of New York, representing all the Know-nothings of the northern and some of the southern States. On the 30th day of June he accepted that nomination, and in his letter of acceptance he speaks of it as an honor conferred upon him, and tenders his "grateful acknowledgment" to the members of that council, and to "their respective constituencies," *for the "distinguished expression of their confidence."* The constituencies represented were the Know-nothing lodges and wigwams all over the country, in which, for two years before, the destruction or degradation of foreigners was planned and plotted—in which companies of men were armed, organized, and sworn to attack, beat, and murder the foreign-born citizen. From them Fremont accepts the nomination as an honor; and if he accepts their services to secure his election, must he not represent their sentiments, and give himself up to their work of hatred and destruction?

On the day after Fremont received this Know-nothing nomination, the New York Herald, a Fremont paper, made the following announcement:

"The sudden change which has taken place in the sentiments of the convention in regard to Mr. Fremont is attributable to the fact that that gentleman was waited on last night by a delegation from this party, with whom he had a long and earnest confabulation, extending into the small hours of the morning; that he then and there declared himself unreservedly in favor of the principles of the Know-nothing party, and would give them his entire and cordial adherence, and that he was perfectly convinced that if he did not receive the support of the American party throughout the Union, he had not the slightest prospect of being elected."

When Senate bill No. 343, making temporary provision for working the mines in California, was under consideration, Mr. Seward, of New

York, moved to extend to all persons "who shall have, in pursuance of law, declared their intention to become citizens," the same benefits and privileges conferred upon citizens of the United States relative to working the gold mines. Mr. Fremont voted against the proposition, (Sen. Jour., 1st ses. 31st Cong., p. 671.) The most bitter and proscriptive Know-nothings have conceded that the foreigner might come to our land and enjoy the profits of his labor, demanding only that he be socially and politically degraded. But Mr. Fremont would go further: by his vote in the Senate, he said, that among the thousands of adventurers in California the foreigner shall not mingle. Although he may have declared his intention to become a citizen of the United States, he shall not be allowed the only profitable labor in California, but shall stand by until his full term of five years shall have expired—the mines in the mean time being exhausted or wholly occupied. The labor was profitable, and therefore he should be excluded from it. That principle, thus supported by Mr. Fremont, goes further: it excludes the foreigner from our rich lands, where his labor would secure him a rich return in plentiful harvests, and says to him, social and political inferiority shall be your condition, and poor lands and unprofitable labor your portion in this land of plenty. The Know-nothing council of New York could well afford to nominate a man who has shown so unmistakably his sympathy with that order in its hostility towards the foreigner.

James Buchanan, the candidate of the democracy, proscribes no man because of his religion or birth-place, but, adopting the republican sentiment that each man shall be judged by his own conduct, he has supported wise, just, and equal laws; his political career has been a long and useful one; he has been tried, and proved himself an incorruptible patriot, qualified for all the high positions which he has filled; he is against sectionalism, and will maintain the Union—the whole Union—upon the firm basis of the constitution; and, to use his own language, he "will cultivate peace and friendship with all nations, believing this to be our highest policy, as well as our most imperative duty." With James Buchanan as the candidate of the national democracy, opposed to John C. Fremont, the nominee of the sectional Know-nothing and Black Republican conventions, can we doubt a glorious triumph for the Democracy and James Buchanan, of Pennsylvania?

The Black Republican party allege that the great excitement, now prevailing to such an alarming extent throughout the country, has legitimately resulted from the repeal of the so-called Missouri compromise; and, in their denunciation of the Kansas-Nebraska act, they appeal to the fathers for the justification of their action in resisting the passage of the bill; they invoke the names of Thomas Jefferson, James Madison, and James Monroe, to prove that the prohibition of slavery in the Territories by Congress was the settled doctrine of the early fathers. They would deceive you in the opinions entertained by those great statesmen, and would mislead you as to the cause of the excitement which is now almost wrecking this fair fabric. We quote from the fathers that they would invoke, to show that this excitement, properly and legitimately, is the consequence of the legislation

of 1820; that the prohibition of slavery in the territory north of 36° 30′ was the first fire-brand to disturb the peace of the Union; that we are now realizing the almost prophetic language of that great statesman, Thomas Jefferson, when he said he considered the Missouri question "as the knell of the Union," and that "every new irritation would mark it deeper and deeper." But let these great men speak for themselves. In reference to sectionalism and the Missouri question, Jefferson said:

"The question is a mere party trick. The leaders of federalism, defeated in their schemes of obtaining power by rallying partisans to the principle of monarchism—a principle of personal, not of local division—have changed their tact and thrown out another barrel to the whale. They are taking advantage of the virtuous feeling of the people to effect a division of parties by a geographical line; they expect that this will insure them, on local principles, the majority they could never obtain on principles of federalism; but they are still putting their shoulders to the wrong wheel; they are wasting jeremiads on the miseries of slavery *as if we were advocates of it.* Sincerity in their declamations should direct their efforts to the true point of difficulty, and *unite their councils with ours in devising some reasonable and practicable plan of getting rid of it.*"—*Jefferson's Writings, vol. 7.*

In a letter to Mr. Adams, dated January 22, 1821, he says:

"Our anxieties in this quarter are all concentrated in the question, What does the holy alliance, in and out of Congress, mean to do with us on the Missouri question? And this, by the way, is but the name of the case; it is only the John Doe or Richard Roe of the ejectment. The real question, as seen in the States afflicted with this unfortunate population, is, Are our slaves to be presented with freedom and a dagger? For, if Congress has the power to regulate the conditions of the inhabitants o fthe States within the States, it will be but another exercise of that power to declare that all shall be free. Are we, then, to see again Athenian and Lacædemonian confederacies? To wage another Pelopponesian war to settle the ascendency between them? Or is this the tocsin of merely a servile war? THAT REMAINS TO BE SEEN; BUT I HOPE NOT BY YOU OR ME. SURELY THEY WILL PARLEY AWHILE AND GIVE US TIME TO GET OUT OF THE WAY. What a bedlamite is man!"

In a letter to Lafayette, dated November 4, 1823, Mr. Jefferson said:

"On the eclipse of federalism with us, although not its extinction, its leaders got up the Missouri question, under the false front of lessening the measure of slavery, but with the real view of producing a geographical division of parties, which might insure them the next President. The people of the North went blindfold into the snare, and followed their leaders for a while with a zeal truly moral and laudable, until they became sensible that they were injuring instead of aiding the real interests of the slaves; that they had been used merely as tools for electioneering purposes, and that trick of hypocrisy then fell as quickly as it had been got up."

In a letter to Mr. Short, dated April 13, 1820, Mr. Jefferson says:

"Although I had laid down as a law to myself never to write, talk, or even think of politics, to know nothing of public affairs, and had therefore ceased to read newspapers, yet the Missouri question aroused and filled me with alarm. The o'd schism of federal and republican threatened nothing, because it existed in every State, and united them together by the fraternism of party. But the coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion, and renewing irritations, until it would kindle such mutual and mortal hatred as to render separation preferable to eternal discord. I have been among the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequence of this question; not by the line which has been so confidently counted on—the laws of nature control this—but by the Potomac, Ohio, and Missouri, or more probably the Mississippi, upwards to our northern boundary. My only comfort and consolation is, that I shall not live to see it; and I envy not the present generation the glory of throwing away the fruits of their fathers' sacrifices of life and fortune, and of rendering desperate the experiment which was to decide ultimately whether man is capable of self-government. This treason against human hope will signalize their epoch in future history as the counterpart of the model of their predecessors."

"I thank you, my dear sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. * * * But this momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment; but this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once

conceived and held up to the angry passions of men, will never be obliterated ; and every new irritation will mark it deeper and deeper. * * * If they would but dispassionately weigh the blessings they will throw away, against an abstract principle, more likely to be effected by union that by scission, they would pause before they could perpetrate this act of suicide on themselves and of treason against the hopes of the world."—*Letter to Jno. Holmes, dated Monticello, April* 22, 1820.

"I am indebted to you for your two letters of February 7th and 19th. This Missouri question, by a geographical line of division, is the most portentous one I ever contemplated. * * * * is ready to risk the Union for any chance of restoring his party to power, and wriggling himself to the head of it; nor is * * * * without his hopes, nor scrupulous as to the means of fulfilling them."—*Letter to Mr. Madison.*

"The banks, bankrupt law, manufactures, Spanish treaty, are nothing. These are occurrences which, like waves in a storm, will pass under the ship ; but the MISSOURI QUESTION is a breaker on which we lose the Missouri country by revolt, and what more, God only knows. From the battle of Bunker's Hill to the treaty of Paris, we never had so ominous a question. It even damps the joy with which I hear of your high health, and welcomes to me the want of it. I thank God I shall not live to witness its issue."—*Letter to John Adams, December* 10, 1819.

"The line of division lately marked out between different portions of our confederacy, is such as will never, I fear, be obliterated, and we are now trusting to those who are against us in position and principle, to fashion to their own form the minds and affections of our youth. If, as has been estimated, we send three hundred thousand dollars a year to the northern seminaries, for the instruction of our own sons, then we must have five hundred of our sons imbibing opinions and principles in discord with those of their own country. This canker is eating on the vitals of our existence, and, if not arrested at once, will be beyond remedy."—*Letter to General Breckenridge, February* 11, 1821.

"The Missouri question is the most portentous one which ever yet threatened our Union. In the gloomiest moment of the revolutionary war, I never had any apprehension equal to that I felt from this source."—*Letter to Mr. Monroe, March* 3, 1820.

Mr. Madison said:

"On one side it naturally occurs, that the right being given from the necessity of the case, and in suspension of the great principle of self-government, ought not to be extended further, nor continued longer, than the occasion might fairly require.

"The questions to be decided seem to be, first, whether a *territorial* restriction be an assumption of illegitimate power; or, second, a misuse of legitimate power ; and if the latter only, when the injury threatened to the nation from an acquiescence in the misuse, or from a frustration of it, be the greater.

"On the first point there is certainly room for difference of opinion ; though, for myself, I must own that I have always leaned to the belief the *restriction was not within the true scope of the constitution.*"—*Letter to Mr. Monroe in* 1820.

"Hearken not to the unnatural voice which tells you that the people of America, knit together as they are by so many cords of affection, can no longer live together as members of the same family—can no longer continue the mutual guardians of their mutual happiness—can no longer be fellow-citizens of one great, respectable, and flourishing empire. The kindred blood which flows in the veins of American citizens—the mingled blood which they have shed in defence of their sacred rights, consecrate their union, and excite horror at the idea of their becoming aliens, rivals, enemies. And if novelties are to be shunned, believe me, the most alarming of all novelties—the most wild of all projects—the most rash of all attempts, is that of *rending us in pieces* in order to *preserve our liberties and promote our happiness.*"

[*The Federalist, p.* 86.

"Should a state of parties arise, founded on geographical boundaries and other physical distinctions which happen to coincide with them, what is to control those great repulsive masses from awful shocks against each other?"—*Letter to Mr. Walsh, dated November* 27, 1819.

General Harrison said :

"I am, and have been for many years, so much opposed to slavery, that I will never live in a State where it exists But I believe that the constitution has given no power to the general government to interfere in this matter, and that to have slaves or no slaves depends upon the people in each State or Territory alone.

"But besides the constitutional objections, I am persuaded that the obvious tendency of such interferences on the part of the States which have no slaves with the property of their fellow-citizens of the others, is to produce a state of discord and jealousy that will in the end prove fatal to the Union. I believe in no other State are such wild and dangerous sentiments entertained on this subject as in Ohio."—*General Harrison in a letter to President Monroe in* 1821.

In reference to sectionalism, and the nullification of the acts of Congress, General Jackson said:

"The laws of the United States must be executed. * Those who told you that you might peaceably prevent their execution, deceived you; they could not have been deceived themselves They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion; but be not deceived by names; disunion, by armed force, is TREASON."—*Message of General Jackson, in* 1833, *on Nullification.*

"Appeals, too, are constantly made to sectional interests, in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten, or have designs already been formed to dissolve the Union?" * * * * "Mutual suspicion and reproaches may in time create mutual hostility; and artful and designing men will always be found who are ready to foment these fatal divisions and inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics."

"And no citizen who loves his country would, in any case whatever, resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission." * * * * "Rest assured that men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

"In the legislation of Congress, also, and in every measure of the general government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages."—*Jackson.*

"And solemnly proclaim that the constitution and the laws are supreme, and the Union indissoluble."—*Jackson's Message, Jan* 16, 1833.

In relation to the very questions now agitating the country, the Sage of Ashland said:

"Sir, I am not in the habit of speaking lightly of the possibility of dissolving this happy Union. The Senate know that I have deprecated allusions, on ordinary occasions, to that direful event. The country will testify that, if there be anything in the history of my public career worthy of recollection, it is the truth and sincerity of my ardent devotion to its lasting preservation. But we should be false in our allegiance to it if we did not discriminate between the imaginary and real dangers by which it may be assailed. Abolitionism should no longer be regarded as an imaginary danger. The abolitionists, let me suppose, succeed in their present aim of uniting the inhabitants of the free States, as one man, against the inhabitants of the slave States. Union on one side will beget union on the other, and this process of reciprocal consolidation will be attended with all the violent prejudice, embittered passions, and implacable animosities which ever degraded or deformed human nature. * * * One section will stand in menacing and hostile array against the other. The collision of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man."—*Speech of Mr. Clay in the U. S. Senate on the 7th of February,* 1839.

In the same speech Mr. Clay summed up what the abolitionists wanted, as follows:

"And the third class are the real ultra abolitionists, who are resolved to persevere in the pursuit of their object at all hazards. With this class the immediate abolition of slavery in the District of Columbia, the prohibition of the removal of slaves from State to State, and the refusal to admit any new State comprising within its limits the institution of domestic slavery, are but so many means conducing to the accomplishment of the ultimate but perilous end, at which they avowedly and boldly aim, are but so many short stages in the long and bloody road to the distant goal at which they would finally arrive. Their purpose is abolition—universal abolition—peaceably if they can, forcibly if they must."

The Fremont party of 1856 has assumed a position identical with the abolition party of 1839. How well the picture of abolitionism, drawn by Mr. Clay in 1839, suits the Republican party of the present day. They have but one common aim—the dissolution of this Union.

Mr. Clay, in speaking of our Catholic citizens, said:

"With regard to their superstition, they worship the same God with us. *Their prayers are offered up in their temples to the same Redeemer, whose intercession we expect to save us.* NOR IS

THERE ANYTHING IN THE CATHOLIC RELIGION UNFAVORABLE TO FREEDOM. All religions united with government are more or less inimical to liberty. All separated from the government are compatible with liberty."—*Speech in Congress, March* 24, 1818.

And in reference to our adopted citizens, he made use of the following language:

"The honest, patient, industrious GERMAN readily unites with our people, establishes himself on some of our fat lands, fills his capacious barns, and enjoys in tranquillity the abundant fruits which his diligence gathers around him, always ready to fly to the standard of his adopted country, or of its laws, when called by duties of patriotism.

"The gay, the versatile, the philosophical FRENCHMAN, accommodating himself cheerfully to all the vicissitudes of life, incorporates himself without difficulty in our society.

"But of all foreigners, none amalgamate themselves so quickly with our people as the NATIVES OF THE EMERALD ISLE. In some of the visions wh ch have passed through my imagination, I have supposed that Ireland was originally part and parcel of this continent, and that by some extraordinary convulsion of nature it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain.

"The same open-heartedness, the same generous hospitality, the same careless and uncalculating indifference about human life, characterized the inhabitants of both countries. Kentucky has sometimes been called the Ireland of America. And I have no doubt that if the current of emigration were reversed, and set from America upon the shores of Europe, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome, and a happy home."—*Speech in the United States Senate in defence of the American System.*

The democracy now stand where Jefferson and Madison stood; they have restored our territorial policy as it existed prior to that violent and unconstitutional departure in 1820. The exigencies demanded, and the democracy, true to the rights of man and the equality of the States, gave the country the compromise measures of 1850. These were endorsed by the Baltimore convention, ratified by the people in 1852 by the election of Franklin Pierce, reaffirmed by the democracy in the Kansas-Nebraska act of 1854, re-endorsed by the Cincinnati convention, and will stand confirmed by the American people in 1856 by the election of James Buchanan to the presidency.

This vindication of the right of the people to form their own domestic institutions is a vindication of the instructions given by the colonies to their delegates to form a confederation—a vindication of the spirit and letter of the immortal Declaration of Independence—a vindication of our glorious constitution, and a vindication of the inalienable rights of an American citizen.

Our opponents have been uniform in their hatred and denunciation of the Democratic party; they opposed the election of Jefferson, of Madison, and of Jackson; they repudiated the Louisiana purchase; they denounced the war of 1812, and burnt blue-lights in their windows to light the enemys' ships into our harbors; they endeavored to defeat the purchase of the Floridas and the annexation of Texas, and would have welcomed our brave soldiers in Mexico "with bloody hands to hospitable graves;" they forced upon the people the restriction of 1820 by refusing to admit Missouri into the Union, and repudiated it in 1848 by opposing its extension to the Pacific. The legitimate consequence of such repudiation was the compromise of 1850, the passage of which they resisted by every parliamentary expedient, and by every appeal to a false and fanatical philanthropy. They counselled revolution on the floor of Congress, in resistance to the passage of the Kansas-Nebraska act, because it carried out the great principles

embodied in the compromise of 1850. They would subvert, through emigrant aid societies and other appliances, the practical development of non-intervention by Congress, and the right of the people to govern themselves; they would counsel the incendiary torch and the assassin's knife against the most sacred rights of American freemen in the Territory of Kansas; they have a deep and profound hatred against, and denounce in unmeasured terms, the doctrine that the *bona fide* residents of Kansas should adjust their domestic affairs in their own way; they have sought foreign aid, and have carried foreign assistance into the Territory of Kansas for the express purpose of interfering in the domestic policy of the people of that Territory; they are the authors and instigators of, and before God and man are responsible for, all the outrages, the arsons, and the murders in Kansas.

The democracy, true to the great doctrine of the early fathers, true to the rights of the States, the constitution, the Union, and ever watchful of the peace, happiness, and prosperity of a free people, have sought, by wise and pacific legislation, to rescue the people of Kansas from the anarchy, the rapine, and murder brought upon them by the Black Republican party.

The democratic Senate, on the 3d of July, 1856, after a continuous session of twenty-one hours, passed, and sent to the Black Republican House, a great pacific measure, declaring null and void those acts of the Kansas Legislature repugnant to the bill of rights as embodied in our great charter of liberty—a measure which secures the freedom of speech, the freedom of the press, and the writ of habeas corpus—prohibits religious tests for office, or an established religion—protects the rights of conscience, the persons and property of the people, and their right to hold and bear arms—forbids excessive bail, excessive fines, and cruel and unusual punishments—declares that no test-oath, or oath to support any act of Congress or other legislative act, shall be required as a qualification for any office or trust, or for any employment or profession, or to serve as a juror, or to vote at an election—and that no tax shall be imposed upon the exercise of the right of suffrage, and guarantees to the people the free discussion of any law or subject of legislation, and in a free expression of opinion upon all questions whatever—provides for the appointment of five commissioners to arrange the preliminaries and superintend the election; for the registration of voters, and all other needful regulations necessary to a fair and impartial expression at the ballot-box of the *bona fide* residents of Kansas; and pledges the entire military force of the government to a pure and untrammelled ballot-box. If any resident shall have left the Territory, he is protected in his rights, provided he shall return by the 1st day of October, 1856. If any person is imprisoned for a violation of the obnoxious laws of Kansas, his prison-doors are opened, and he is restored to all his rights. But it also provides that the people, the *bona fide* residents of Kansas, shall regulate and form their domestic institutions in their own way, subject only to the constitution of the United States; and they shall be admitted into the Union on a footing with the original States whenever they shall present a constitution with a republican form of government. Every Black Republican senator re-

sisted the bill at its various stages, and voted against it on its passage. Let it be proclaimed to the people, let it be known in every town and hamlet, that the democracy have given a fair and honest bill—one that will restore peace to a distracted country, correct the outrages and murders in an unhappy Territory, vindicate the majesty of the law, and protect the American citizen in an inalienable right—that the democracy have given such a bill to the Black Republican House of Representatives for their action. If they desire tranquillity in the States, peace and happiness to Kansas, and a correction of the violent abuses and outrages committed, they will immediately pass the Senate bill; but if outrage upon outrage and blood upon blood is necessary to the accomplishment of their political ends, necessary to the election of John C. Fremont, then will they refuse to pass the bill or to give repose to Kansas.

34th Congress, 1st Session. | SENATE. | Rep. Com. No. 34.

U. S. Congress. Senate. Committee on Territories

IN THE SENATE OF THE UNITED STATES.

March 12, 1856.—Submitted, and ordered to be printed, together with the views of the minority of the committee upon the same subject. Motion to print 62,000 additional copies referred to the Committee on Printing.

Mr. Douglas made the following

REPORT.

The Committee on Territories, to whom was referred so much of the annual message of the President of the United States as relates to Territorial affairs, together with his special message of the 24th day of January, 1856, in regard to Kansas Territory, and his message of the 18th of February, in compliance with the resolution of the Senate of the 4th of February, 1856, requesting transcripts of certain papers relative to the affairs of the Territory of Kansas, having given the same that serious and mature deliberation which the importance of the subject demands, beg leave to submit the following report:

Your committee deem this an appropriate occasion to state briefly, but distinctly, the principles upon which new States may be admitted and Territories organized under the authority of the constitution of the United States.

The constitution (section 3, article 4) provides that "new States may be admitted by the Congress into this Union."

Section 8, Article 1: "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof."

10th amendment: "The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

A State of the federal Union is a sovereign power, limited only by the constitution of the United States.

The limitations which that instrument has imposed are few, specific, and uniform—applicable alike to all the States, old and new. There is no authority for putting a restriction upon the sovereignty of a new State, which the constitution has not placed on the original States. Indeed, if such a restriction could be imposed on any State, it would instantly cease to be a *State* within the meaning of the federal constitution, and, in consequence of the inequality, would assimilate to the condition of a province or dependency. Hence, equality among all the States of the Union is a fundamental principle in our federative system—a principle embodied in the constitution, as the basis upon which the American Union rests.

African slavery existed in all the colonies, under the sanction of the British government, prior to the Declaration of Independence. When the constitution of the United States was adopted, it became the supreme law and bond of union between twelve slave-holding States and one non-slave-holding State; each State reserved the right to decide the question of slavery for itself—to continue it as a domestic institution so long as it pleased, and to abolish it when it chose.

In pursuance of this reserved right, six of the original slave-holding States have since abolished and prohibited slavery within their limits respectively, without consulting Congress or their sister States, while the other six have retained and sustained it as a domestic institution, which, in their opinion, had become so firmly engrafted on their social systems, that the relation between the master and slave could not be dissolved with safety to either. In the meantime, eighteen new States have been admitted into the Union, in obedience to the federal constitution, on an equal footing with the original States, including, of course, the right of each to decide the question of slavery for itself. In deciding this question, it has so happened that nine of these new States have abolished and prohibited slavery, while the other nine have retained and regulated it. That these new States had at the time of their admission, and still retain, an equal right, under the federal constitution, with the original States, to decide all questions of domestic policy for themselves, including that of African slavery, ought not to be seriously questioned, and certainly cannot be successfully controverted.

They are all subject to the same supreme law, which, by the consent of each, constitutes the only limitation upon their sovereign authority.

Since we find the right to admit new States enumerated among the powers expressly delegated in the constitution, the question arises, whence does Congress derive authority to organize temporary governments for the Territories preparatory to their admission into the Union on an equal footing with the original States? Your committee are not prepared to adopt the reasoning which deduces the power from that other clause of the constitution which says:

"Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The language of this clause is much more appropriate when applied to property than to persons. It would seem to have been employed for the purpose of conferring upon Congress the power of disposing of the public lands and *other property belonging to the United States*, and to make all needful rules and regulations for that purpose, rather than to govern the people who might purchase those lands from the United States and become residents thereon. The word "territory" was an appropriate expression to designate that large area of public lands of which the United States had become the owner by virtue of the Revolution and the cession by the several States. The additional words "or other property belonging to the United States" clearly show that the term "territory" was used in its ordinary geographical sense to designate the public domain, and not as descriptive of the whole body of the people, constituting a distinct political community, who have no representation in Congress, and consequently no voice in making the laws upon which all their rights and liberties would depend, if it were conceded that Congress had the general and unlimited power to make all "needful rules and regulations concerning" their internal affairs and domestic concerns. It is under this clause of the constitution, and from this alone, that Congress derives authority to provide for the surveys of the public lands, for securing pre-emption rights to actual settlers, for the establishment of land offices in the several States and Territories, for exposing the lands to private and public sale, for issuing patents and confirming titles, and, in short, for making all needful rules and regulations for protecting and disposing of the public domain and other property belonging to the United States.

These needful rules and regulations may be embraced, and usually are found, in general laws applicable alike to States and Territories, wherever the United States may be the owner of the lands or other property to be regulated or disposed of. It can make no difference, under this clause of the constitution, whether the "territory, or other property belonging to the United States," shall be situated in Ohio or Kansas, in Alabama or Minnesota, in California or Oregon; the power of Congress to make needful rules and regulations is the same in the States and

Territories, to the extent that the title is vested in the United States. Inasmuch as the right of legislation in such cases rests exclusively upon the fact of ownership, it is obvious it can extend only to the tracts of land to which the United States possess the title, and must cease in respect to each tract the instant it becomes private property by purchase from the United States. It will scarcely be contended that Congress possesses the power to legislate for the people of those States in which public lands may be located, in respect to their internal affairs and domestic concerns, merely because the United States may be so fortunate as to own a portion of the territory and other property within the limits of those States. Yet it should be borne in mind that this clause of the constitution confers upon Congress the same power to make needful rules and regulations in the States as it does in the Territories, concerning the territory or other property belonging to the United States.

In view of these considerations, your committee are not prepared to affirm that Congress derives authority to institute governments for the people of the Territories from that clause of the constitution which confers the right to make needful rules and regulations concerning the territory or other property belonging to the United States; much less can we deduce the power from any supposed necessity, arising outside of the constitution, and not provided for in that instrument. The federal government is one of delegated and limited powers, clothed with no rightful authority which does not result directly and necessarily from the constitution. Necessity, when experience shall have clearly demonstrated its existence, may furnish satisfactory reasons for enlarging the authority of the federal government, by amendments to the constitution, in the mode prescribed in that instrument; but cannot afford the slightest excuse for the assumption of powers not delegated, and which, by the tenth amendment, are expressly "reserved to the States respectively or to the people." Hence, before the power can be safely exercised, the right of Congress to organize Territories, by instituting temporary governments, must be traced directly to some provision of the constitution conferring the authority in express terms, or as a means necessary and proper to carry into effect some one or more of the powers which are specifically delegated. Is not the organization of a Territory eminently necessary and proper as a means of enabling the people thereof to form and mould their local and domestic institutions and establish a State government under the authority of the constitution, preparatory to its admission into the Union? If so, the right of Congress to pass the organic act for the temporary government is clearly included in the provision which authorizes the admission of new States. This power, however, being an incident to an express grant, and resulting from it by necessary implication, as an appropriate means for carrying it into effect, must be exercised in harmony with the nature and objects of the grant from which it is deduced. The organic act of the Territory, deriving its validity from the power of Congress to admit new States, must contain no provision or restriction which would destroy or impair the equality of the proposed State with the original States, or impose any limitation upon its sovereignty which the constitution has not placed on all the States. So far as the organization of a Territory may be necessary and proper as a means of carrying into effect the provision of the constitution for the admission of new States, and when exercised with reference only to that end, the power of Congress is clear and explicit; but beyond that point the authority cannot extend, for the reason that all "powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." In other words, the organic act of the Territory, conforming to the spirit of the grant from which it receives its validity, must leave the people entirely free to form and regulate their domestic institutions and internal concerns in their own way, subject only to the constitution of the United States, to the end that when they attain the requisite population, and establish a State government in conformity to the federal constitu

tion, they may be admitted into the Union on an equal footing with the original States in all respects whatsoever.

The act of Congress for the organization of the Territories of Kansas and Nebraska was designed to conform to the spirit and letter of the federal constitution, by preserving and maintaining the fundamental principle of equality among all the States of the Union, notwithstanding the restriction contained in the 8th section of the act of March 6, 1820, (preparatory to the admission of Missouri into the Union,) which assumed to deny to the people forever the right to settle the question of slavery for themselves, provided they should make their homes and organize States north of thirty-six degrees and thirty minutes north latitude. Conforming to the cardinal principles of State equality and self-government, in obedience to the constitution, the Kansas-Nebraska act declared, in the precise language of the compromise measures of 1850, that, "when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitutions may prescribe at the time of their admission." Again, after declaring the said 8th section of the Missouri act (sometimes called the Missouri compromise, or Missouri restriction) inoperative and void as being repugnant to these principles, the purpose of Congress, in passing the act, is declared in these words:

"It being the true intent and meaning of this act not to legislate slavery into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of he United States."

The passage of the Kansas-Nebraska act was strenuously resisted by all persons who thought it a less evil to deprive the people of new States and Territories of the right of State equality and self-government under the constitution, than to allow them to decide the slavery question for themselves, as every State of the Union had done, and must retain the undeniable right to do, so long as the constitution of the United States shall be maintained as the supreme law of the land. Finding opposition to the principles of the act unavailing in the halls of Congress and under the forms of the constitution, combinations were immediately entered into in some portions of the Union to control the political destinies, and form and regulate the domestic institutions, of those Territories and future States, through the machinery of emigrant aid societies. In order to give consistency and efficiency to the movement, and surround it with the color of legal authority, an act of incorporation was procured from the legislature of the State of Massachusetts, in which it was provided, in the first section, that twenty persons therein named, and their "associates, successors, and assigns, are hereby made a corporation, by the name of the Massachusetts Emigrant Aid Company, for the purpose of assisting emigrants to settle in the West; and for this purpose they shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in the 38th and 44th chapters of the revised statutes" of Massachusetts.

The second section limited the capital stock of the company to five millions of dollars, and authorized the whole to be invested in real and personal estate, with the proviso that "the said corporation shall not hold real estate in this commonwealth (Massachusetts) to an amount exceeding twenty thousand dollars."

The third section provided for dividing the capital stock of the corporation into shares of one hundred dollars each, and prescribed the mode, time, and amounts in which assessments might be made on each share.

The fourth and last section was in these words:

"At all meetings of the stockholders, each stockholder shall be entitled to cast one vote for each share held by him; *provided*, that no stockholder shall be entitled to cast more than fifty votes on shares held by himself, nor more than fifty votes by proxy."

Although the act of incorporation does not distinctly declare that the company was formed for the purpose of controlling the domestic institutions of the Territory of Kansas, and forcing it into the Union with a prohibition of slavery in her con-

stitution, regardless of the rights and wishes of the people as guarantied by the constitution of the United States, and secured by their organic law, yet the whole history of the movement, the circumstances in which it had its origin, and the professions and avowals of all engaged in it, render it certain and undeniable that such was its object.

To remove all doubt upon this point, your committee will here present a few extracts from a pamphlet published by the company soon after its organization, under the following caption:

"Organization, objects, and plan of operations of the Emigrant Aid Company; also, a description of Kansas, for the information of emigrants.

"*Trustees*—Amos A. Lawrence, Boston; J. M. S. Williams, Cambridge; Ely Thayer, Worcester.

"*Treasurer*, Amos A. Lawrence.

"*Secretary*, Thomas H. Webb, Boston.

"For the purpose of answering numerous communications concerning the plan of operations of the Emigrant Aid Company, and the resources of Kansas Territory, which it is proposed now to settle, the secretary of the company has deemed it expedient to publish the following definite information in regard to this particular: * * * * * * * * * *

"For these purposes it is recommended, 1st. That the trustees contract immediately with some of the competing lines of travel for the conveyance of 20,000 persons from Massachusetts to that place in the West which the trustees shall select for their first settlement. * * *

"It is recommended that the company's agents locate and take up for the company's benefit, the sections of land in which the boarding-houses and mills are located, and no others. And further, whenever the Territory shall be organized as a free State, the trustees shall dispose of all its interests there, replace by the sales the money laid out, declare a dividend to the stockholders, and that they then select a new field, and make similar arrangements for the settlement and organization of another free State of this Union. * * * * * *

"With the advantages attained by such a system of effort, the territory selected as the scene of operations would, it is believed, be filled up with free inhabitants. * * * * * *

"There is reason to suppose several thousand men of New England origin propose to emigrate under the auspices of some such arrangement, this very summer. Of the whole emigration from Europe, amounting to some 400,000 persons, there can be no difficulty in inducing some thirty or forty thousand to take the same direction. * * * * * * * * * * *

"Especially will it prove an advantage to Massachusetts, if she create the new State by her foresight, supply the necessities to its inhabitants, and open in the outset communications between their homes and her ports and factories. * * * * * * * * * * * * *

"It determines in the right way the institutions of the unsettled Territories, in less time than the discussion of them has required in Congress."

Having thus secured from the State of Massachusetts the color of legal authority to sanction their proceedings, in perversion of the plain provisions of an act of Congress passed in pursuance of the constitution, the company commenced its operations by receiving subscriptions to its capital stock, and exerting its whole power to harmonize, combine, and direct, in the channel it should mark out, all the elements of opposition to the principles of the Kansas and Nebraska act. The plan adopted was to make it the interest of a large body of men, who sympathised with them in the objects of the corporation, to receive their aid and protection, and, under the auspices of the company, to proceed to Kansas, and acquire whatever residence, and do whatever acts, might be found necessary to enable them to vote at the elections, and through the ballot-box, if possible, to gain control over the legislation of the Territory. This movement is justified by those who originated and control the plan, upon the ground that the persons whom they sent to Kansas were freemen, who, under the constitution and laws, had a perfect right to emigrate to Kansas or any other Territory; that the act of emigration was entirely voluntary on their part, and when they arrived in the Territory as actual settlers, they had as good a right as any other citizens to vote at the elections and participate in the control of the government of the Territory. This would undoubtedly be true in a case of ordinary emigration, such as has filled up our new States and Territories, where each individual has gone, on his own account, to improve his condition and that of his family. But it is a very different thing where a State creates a vast moneyed corporation for the purpose of controlling the domestic institutions of a distinct political community fifteen hundred miles distant, and sends out the emi-

grants only as a means of accomplishing its paramount political objects. When a powerful corporation, with a capital of five millions of dollars invested in houses and lands, in merchandise and mills, in cannon and rifles, in powder and lead—in all the implements of art, agriculture, and war, and employing a corresponding number of men, all under the management and control of non-resident directors and stockholders, who are authorized by their charter to vote by proxy to the extent of fifty votes each, enters a distant and sparsely-settled Territory with the fixed purpose of wielding all its power to control the domestic institutions and political destinies of the Territory, it becomes a question of fearful import how far the operations of the company are compatible with the rights and liberties of the people. Whatever may be the extent or limit of congressional authority over the Territories, it is clear that no individual State has the right to pass any law or authorize any act concerning or affecting the Territories, which it might not enact in reference to any other State.

If the people of any State should become so much enamored with their own peculiar institution as to conceive the philanthropic scheme of forcing so great a blessing on their unwilling neighbors, and with that view should create a mammoth moneyed corporation, for the avowed purpose of sending a sufficient number of their young men into a neighboring State, to remain long enough to acquire the right of voting, with the fixed and paramount object of reversing the settled policy and changing the domestic institutions of such State, would it not be deemed an act of aggression, as offensive and flagrant as if attempted by direct and open violence? It is a well-settled principle of constitutional law, in this country, that while all the States of the Union are united in one for certain purposes, yet each State, in respect to everything which affects its domestic policy and internal concerns, stands in the relation of a foreign power to every other State.

Hence, no State has a right to pass any law, or do or authorize any act, with the view to influence or change the domestic policy of any other State or Territory of the Union, more than it would with reference to France or England, or any other foreign State with which we are at peace. Indeed, every State of this Union is under higher obligations to observe a friendly forbearance and generous comity towards each other member of the confederacy than the laws of nations can impose on foreign States. While foreign States are restrained from all acts of aggression and unkindness only by that spirit of comity which the laws of nations enjoin upon all friendly powers, we have assumed the additional obligation to obey the constitution, which secures to every State the right to control its own internal affairs. If repugnance to domestic slavery can justify Massachusetts in incorporating a mammoth company to influence and control that question in any State or Territory of this Union, the same principle of action would authorize France or England to use the same means to accomplish the same end in Brazil or Cuba, or in fifteen States of this Union; while it would license the United States to interfere with serfdom in Russia, or polygamy in Turkey, or any other obnoxious institution in any part of the world. The same principle of action, when sanctioned by our example, would authorize all the kingdoms, and empires, and despotisms in the world to engage in a common crusade against republicanism in America, as an institution quite as obnoxious to them as domestic slavery is to any portion of the people of the United States.

If our obligations arising under the laws of nations are so imperative as to make it our duty to enact neutrality laws, and to exert the whole power and authority of the executive branch of the government, including the army and navy, to enforce them, in restraining our citizens from interfering with the internal concerns of foreign States, can the obligations of each State and Territory of this Union be less imperative under the federal constitution, to observe entire neutrality in respect to the domestic institutions of the several States and Territories? Non-interference with the internal concerns of other States is recognised by all civil-

ized countries as a fundamental principle of the laws of nations, for the reason that the peace of the world could not be maintained for a single day without it. How, then, can we hope to preserve peace and fraternal feelings among the different portions of this republic, unless we yield implicit obedience to a principle which has all the sanction of patriotic duty as well as constitutional obligation?

When the emigrants sent out by the Massachusetts Emigrant Aid Company, and their affiliated societies, passed through the State of Missouri in large numbers on their way to Kansas, the violence of their language, and the unmistakable indications of their determined hostility to the domestic institutions of that State, created apprehensions that the object of the company was to abolitionize Kansas as a means of prosecuting a relentless warfare upon the institutions of slavery within the limits of Missouri. These apprehensions increased and spread with the progress of events, until they became the settled convictions of the people of that portion of the State most exposed to the danger by their proximity to the Kansas border. The natural consequence was, that immediate steps were taken by the people of the western counties of Missouri to stimulate, organize, and carry into effect a system of emigration similar to that of the Massachusetts Emigrant Aid Company, for the avowed purpose of counteracting the effects, and protecting themselves and their domestic institutions from the consequences, of that company's operations.

The material difference in the character of the two rival and conflicting movements consists in the fact that the one had its origin in an aggressive, and the other in a defensive policy; the one was organized in pursuance of the provisions and claiming to act under the authority of a legislative enactment of a distant State, whose internal prosperity and domestic security did not depend upon the success of the movement; while the other was the spontaneous action of the people living in the immediate vicinity of the theatre of operations, excited, by a sense of common danger, to the necessity of protecting their own firesides from the apprehended horrors of servile insurrection and intestine war. Both parties, conceiving it to be essential to the success of their respective plans that they should be upon the field of operations prior to the first election in the Territory, selected principally young men, persons unencumbered by families, and whose conditions in life enabled them to leave at a moment's warning, and move with great celerity, to go at once, and select and occupy the most eligible sites and favored locations in the Territory, to be held by themselves and their associates who should follow them. For the successful prosecution of such a scheme, the Missourians who lived in the immediate vicinity possessed peculiar advantages over their rivals from the more remote portions of the Union. Each family could send one of its members across the line to mark out his claim, erect a cabin, and put in a small crop, sufficient to give him as valid a right to be deemed an actual settler and qualified voter as those who were being imported by the emigrant aid societies. In an unoccupied Territory, where the lands have not been surveyed, and where there were no marks or lines to indicate the boundaries of sections and quarter-sections, and where no legal title could be had until after the surveys should be made, disputes, quarrels, violence, and bloodshed might have been expected as the natural and inevitable consequences of such extraordinary systems of emigration, which divided and arrayed the settlers into two great hostile parties, each having an inducement to claim more than was his right, in order to hold it for some new comer of his own party, and at the same time prevent persons belonging to the opposite party from settling in the neighborhood. As a result of this state of things, the great mass of emigrants from the Northwest and from other States, who went there on their own account, with no other object and influence, by no other motives than to improve their condition and secure good homes for their families, were compelled to array themselves under the banner of one of these hostile parties, in order to insure protection to themselves and their claims against the aggressions and violence of the other.

At the first election held in the Territory, on the 29th day of November, 1854, for a delegate to Congress, J. W. Whitfield was chosen by an overwhelming majority, having received the votes of men of all parties who were in favor of the principles of the Kansas-Nebraska act, and opposed to placing the political destinies of the Territory in the keeping of the Abolition party of the northern States, to be managed through the machinery of their emigrant aid companies. No sooner was the result of the election known, than the defeated party proclaimed, throughout the length and breadth of the republic, that it had been produced by the invasion of the Territory by a Missouri mob, which had overawed and outnumbered and outvoted the *bona-fide* settlers of the Territory. By reference to the executive journal of the Territory, which will be found in the papers furnished by the President of the United States in response to a call of the Senate, it will be found that Governor Reeder, in obedience to what he considered to be a duty enjoined on him by the act of Congress organizing the Territory, on the 10th day of November, 1854, issued a proclamation, prescribing the time, place, and mode of holding the election, and appointing by name three citizens of the Territory residing in each election district to conduct the election in such district, together with the following oath, which was taken by the judges before entering on their duties, to wit:

"We do severally swear that we will perform our duties as judges of the election to be held this day in the —— district of the Territory of Kansas, to the best of our judgment and ability; that we will keep a correct and faithful record or list of persons who shall vote at said election; that we will poll no tickets from any person who is not an actual *bona-fide* resident and inhabitant of said Territory on the day of election, and whom we shall not honestly believe to be a qualified voter according to the act of Congress organizing said Territory; that we will reject the votes of all and every non-resident whom we shall believe to have come into the Territory for the mere purpose of voting: that in all cases where we are ignorant of the voter's right, we will require legal evidence thereof, by his own oath or otherwise; that we will make a true and faithful return of the votes which shall be polled to the governor of the said Territory."

The same proclamation pointed out in detail the mode in which the election should be conducted; and, among other things, that the polls will be opened for reception of votes between eight and ten o'clock a.m., and kept open continually until six o'clock p.m.; that the judges will keep two corresponding lists of persons who shall vote, numbering each name, that when a dispute arises as to the qualifications of a voter, the judges shall examine the voter, or any other persons, under oath, upon the subject, and the decision of a majority of the board will be conclusive; that when the election shall close, the judges shall open and count the votes, and keep two corresponding tally-lists, and if the tally-lists shall agree, the judges shall then publicly proclaim the result, and shall make up and sign duplicate certificates in the form prescribed; and shall certify, under their oaths, that the certificate is a true and correct return of the votes polled by lawful resident voters.

The proclamation also provides that the tickets or votes polled shall, after being counted, be again deposited in the box, together with one copy of the oath, and one list of the voters, and one tally-list, and one certificate of return; and that the judges shall seal them up in the box, and carefully preserve the same until called for by the governor of said Territory, in the event of its correctness being contested; and that the remaining copy of the oath, list of voters, tally-list, and return, will be taken by one of the judges, who shall deliver the same in person to the governor.

The proclamation also provides that "In case any person or persons shall dispute the fairness or correctness of the return of any election district, they shall make a written statement, directed to the governor, and setting forth the specific cause of complaint or errors in the conducting or returning of the election in said district, signed by not less than ten qualified voters of the Territory, and with an affidavit of one or more qualified voters to the truth of the fact therein stated; and the said complaint and affidavit shall be presented to the governor on or before

the fourth day of December next, when the proper proceedings will be taken to hear and decide such complaint."

By reference to the executive journal of the Territory, we find the following entry:

"*December* 4, 1854.—The judges of the several election districts made return of the votes polled at the election held on the 29th day of November last, for a delegate to the House of Representatives of the United States; from which it appeared that the votes in the said several districts were as follows, to wit:"

Here follows a list of the votes cast for each candidate in each of the seventeen districts of the Territory, showing that

J. W. Whitfield had received . . . . . 2,258 votes.
All other persons received . . . . . 575 "

And on the same page is the following entry:

"*December* 5, 1854.—On examining and collating the returns, J. W. Whitfield is declared by the governor to be duly elected delegate to the House of Representatives of the United States, and the same day the certificate of the governor, under the seal of the Territory, issued to said J. W. Whitfield of his election."

It nowhere appears that General Whitfield's right to a seat by virtue of that election was ever contested. It does not appear that "ten qualified voters of the Territory" were ever found who were willing to make the "written statement directed to the governor, with an affidavit" of one or more qualified voters to the "truth of the facts therein stated," to "dispute the fairness or correctness of the returns," or to "set forth specific cause of complaint or errors in the conducting or returning of the election" in any one of the seventeen districts of the Territory. Certain it is, that there could not have been a system of fraud and violence such as has been charged by the agents and supporters of the emigrant aid societies, unless the governor and judges of election were parties to it; and your committee are not prepared to assume a fact so disreputable to them, and so improbable upon the state of facts presented, without specific charges and direct proof. In the absence of all proof and probable truth, the charge that the Missourians had invaded the Territory and controlled the congressional election by fraud and violence, was circulated throughout the free States, and made the basis of the most inflammatory appeals to all men opposed to the principles of the Kansas-Nebraska act to emigrate or send emigrants to Kansas, for the purpose of repelling the invaders, and assisting their friends who were then in the Territory in putting down the slave power, and prohibiting slavery in Kansas, with the view of making it a free State. Exaggerated accounts of the large number of emigrants on their way under the auspices of the emigrant aid companies with the view of controlling the election for members of the Territorial legislature, which was to take place on the 30th of March, 1855, were published and circulated. These accounts being republished and believed in Missouri, where the excitement had already been inflamed to a fearful intensity, induced a corresponding effort to send at least an equal number, to counteract the apprehended result of this new importation. Your committee have not been able to obtain definite and satisfactory information in regard to the alleged irregularities in conducting the election, and the number of illegal votes on the 30th of March; but, from the most reliable sources of information accessible to your committee, including various papers, documents, and statements, kindly furnished by Messrs. Whitfield and Reeder, rival claimants of the delegate's seat in Congress for Kansas Territory, it would seem that the facts are substantially as follows:

The election was held in obedience to the proclamation of the governor of the Territory, which prescribed the mode of proceeding, the form of the oath and returns, the precautionary safeguards against illegal voting, and the mode of contesting the election, which were, in substance, the same as those already referred to in connexion with the congressional election. When the period arrived for the governor to canvass the returns, and issue certificates to the persons elected, it ap-

peared that protests had been filed against the fairness of the proceedings and the correctness of the returns, in seven out of the eighteen election districts into which the Territory had been divided for election purposes, alleging fraudulent and illegal voting by persons who were not actual settlers and qualified voters of the Territory. It also appears that in some of these contested cases the form of the oath administered to the judges, and of the returns made by them, were not in conformity to the proclamation of the governor. After a careful investigation of the facts of each case, as presented by the returns of the judges, and the protests and allegations of all persons who disputed the fairness of the election and the correctness of the returns, the governor came to the conclusion that it was his duty to set aside the election in these seven disputed districts; the effect of which was, to create two vacancies in the council, and nine in the house of representatives of the Territory, to be filled by a new election; and to change the result so far as to cause the certificate for one councilman and one representative to issue to different persons than those returned as elected by the judges. Accordingly the governor issued his writs for special elections, to be held on the 24th of May, to fill those vacancies, and, at the same time, granted certificates of election to eleven councilmen and seventeen representatives, whose election had not been contested, and whom he adjudged to have been fairly elected. At the special election to fill these vacancies, three of the persons whose election on the 30th of March had been set aside for the reasons already stated, were re-elected, and in the other districts different persons were returned; and the governor having adjudged them to have been duly elected, accordingly granted them certificates of election; thus making the full complement of thirteen councilmen and twenty-six representatives, of whom, by the organic law of the Territory, the legislature was to be composed. On the 17th day of April the governor issued his proclamation, summoning these thirteen councilmen and twenty-six representatives, whom he had commissioned as having been fairly elected, to assemble at Pawnee City on the 2d day of July, and organize as the legislature of the Territory of Kansas.

It appears from the journal that the two houses did assemble, in obedience to the governor's proclamation, at the time and place appointed by him, and, after the oath of office had been duly administered by one of the judges of the supreme court of the Territory to each of the members who held the governor's certificate, proceeded to organize their respective houses by the election of their officers; and each notified the other, by resolution, that they were thus duly organized. Also, by joint resolution, appointed a committee who waited on the governor, and informed him that "the two houses of the *Kansas legislature* are organized, and are now ready to proceed to business, and to receive" such communication as he may deem necessary.

In response to this joint resolution, "a message from the governor, by Mr. Higgins, his private secretary, transmitting his message, was received, and ordered to be read."

The message commences thus:

'*To the Honorable the Council and House of Representatives of the Territory of Kansas:*

"Having been duly notified that your respective bodies have organized for the performance of your official functions, I herewith submit to you the usual executive communications relative to subjects of legislation, which universal and long-continued usage in analogous cases would seem to demand, although no express requirement of it is to be found in the act of Congress which has brought us into official existence, and prescribed our official duties.

"The position which we occupy, and the solemn trust which is confided to us for originating the laws and institutions, and moulding the destinies of a new republic in the very geographical centre of our vast and magnificent confederation, cannot but impress us with a deep and solemn sense of the heavy responsibility which we have assumed, and admonish us to lay aside all selfish and equivocal motives, to discard all unworthy ends, and, in the spirit of justice and charity to each other, with pure hearts, tempered feelings, and sober judgments, to address ourselves to our task, and so perform it in the fear and reverence of that God who oversees our work, that the star that we expect to add to the national banner shall be dimmed by

no taint or tarnish of dishonor, and be subject to no reproach save that which springs from the inevitable fallibility of just and upright men."

The governor, with the view to the "ascertainment of the existing law" in the Territory, proceeds to trace the history of all legislation affecting it since the country was acquired from France, and advises the legislature to pass such laws as the public interest might require upon all appropriate subjects of legislation, and particularly the slavery question, the division of the Territory into counties, the organization of county courts, the election of judicial and ministerial officers, education, taxes, revenues, the location of the permanent seat of government, and the organization of the militia, as subjects worthy of their immediate attention.

From this message, as well as from all the official acts of the governor preceding it, having reference to the election and return of the members and the convening of the two houses for legislative business, the conclusion is irresistible, that up to this period of time the governor had never conceived the idea—if, indeed, he has since entertained it—that the two houses were spurious and fraudulent assemblies, having no rightful authority to pass laws which would be binding upon the people of Kansas. On the first day of the session, and immediately after the organization of the house was effected, the following resolution was adopted:

"*Resolved*, That all persons who may desire to contest the seats of any persons now holding certificates of election as members of this house, may present their protests to the committee on credentials, and that notice thereof shall be given to the persons holding such certificates."

On the 4th day of July, (being the third day of the session,) the majority of the committee, including four of the five members, reported that, "HAVING HEARD AND EXAMINED ALL THE EVIDENCE TOUCHING THE MATTER OF INQUIRY BEFORE THEM, and taking the organic law of Congress, passed on the 20th day of May, in the year 1854, organizing the Territories of Kansas and Nebraska," as their guiding-star, they have arrived at the conclusions which they proceed to elucidate and enforce in a lengthy report. From this report, it appears that fifteen out of twenty-two members present were permitted to retain their seats by unanimous consent, no one appearing to contest or dispute the fairness of the election, or regularity or truthfulness of the return, in either of their cases. Hence the contest was reduced to the claims of one member who received the certificate under the general election of the 30th March, and the six members present who received certificates under the special election of the 24th of May. In the first case the decision of the governor was reversed, and the seat awarded to the candidate who received the highest number of votes at the election on the 30th of March, and from whom the certificate had been withheld by the governor, upon the ground of irregularity in the election returns from one precinct, and the exclusion of which poll gave the majority to the opposing candidate. In the other six cases the sitting members were deprived of their seats; and the candidates receiving the highest number of votes at the general election on the 30th of March were awarded their places, upon the ground that the special election on the 24th of May was illegal and void, the governor not being authorized, by the organic law of the Territory, to go behind the returns, and set aside the election held on the 30th of March.

The minority report dissents from the reasoning, and protests against the conclusions of the majority, and affirms the right of the sitting members to retain their seats, upon the ground that the governor's certificate was not merely *prima-facie* evidence, but was conclusive, in respect to the rights of all claimants and contestants; and hence the house could not go behind the certificates of election to inquire whether there had been a previous election in those districts on the 30th of March, and who had received the highest number of legal votes at that election. The proposition is thus stated in the minority report: "I cannot agree that this body has the right to go behind the decision of the governor, who, by virtue of his office, is the organizing federal arm of the general government, to evolve and man-

age a new government for this Territory, for the obvious reason that Congress makes him the sole judge of the qualifications for membership." It is true, that the minority report alludes to "evidence before the committee of great deficiencies, not in the form of conducting the elections, but in the manner of holding them, both as to the qualifications of the judges who presided, and the returns made out by them," and says there is "no doubt that these illegal proceedings on the one hand induced the governor to withhold certificates from some who, from the number of votes returned in their favor, might at the same time appear to have been properly elected, and, on the other, to have been the ground on which he presented a certificate in one instance, and in another ordered a new election in reference to other districts." But while the minority report affirms the right of the governor to go behind the returns and investigate irregularities and illegal voting at the election, as well as deficiencies in the forms of the returns, and asserts that he did exercise this right in each case in which he granted or withheld a certificate, it maintains that the governor's decision, as evinced by his certificate, was final and conclusive, and could not be reviewed, much less reversed, by either branch of the Territorial legislature. So far as the question involves the legality of the Kansas legislature, and the validity of its acts, it is entirely immaterial whether we adopt the reasoning and conclusions of the minority or majority reports, for each proves that the legislature was legally and duly constituted. The minority report establishes the fact, by the position that the governor's certificate was conclusive, and that he granted certificates to ten out of the thirteen councilmen, and to seventeen out of the twenty-six representatives who finally held their seats, which was largely more than a quorum of each branch of the legislature. The majority report establishes the same fact, by the position that after going behind the governor's certificate, and carefully examining the facts, they confirmed these same ten councilmen and seventeen representatives in their seats, and then awarded the seats of the other three councilmen and nine representatives to the candidates whom they believed to have been legally elected at the general election on the 30th of March.

The house, by eighteen votes in the affirmative to one vote in the negative, passed a resolution adopting the majority report, and declaring that the contestants "having been duly elected on the 30th of March, 1855, are entitled to their seats as members of this house." Whereupon four of the sitting members, whose seats were vacated by the adoption of the majority report, signed a protest, and asked that it be spread on the journal of the house, which was accordingly done in the following words:

"*Protest.*

"We, the undersigned members of the house of representatives of Kansas Territory, believe the organic act organizing the said Territory gives this house no power to oust any member from this house who has received a certificate from the governor; that this house cannot go behind an election called by the governor, and consider any claims based on a prior election. We would therefore protest against such a proceeding, and ask this protest to be spread upon the journal of this house.

"JOHN HUTCHINSON,
"WILLIAM JESSEE,
"AUGUSTUS WATTLES,
"E. D. LADD."

Under date of July 6, the journal contains a message from the governor to the "house of representatives of the Territory of Kansas," returning "house bill entitled 'An act to remove the seat of government temporarily to the Shawnee Manual Labor School, in the Territory of Kansas,' together with his objections" While the governor, in assigning his reasons for returning the bill, labors to prove that the legislature had transcended its authority under the organic act, in adopting this particular measure, and argues against its expediency on the score of the loss of time and money in removing to a different place during the session, he clearly and distinctly recognises the council and house of representatives as constituting the

legislature of the Territory of Kansas, elected and organized in conformity to the act of Congress creating the Territory.

The reasons of the governor for returning the bill were spread upon the journal, and, upon reconsideration, it was passed by a two-thirds vote in each branch of the legislature, and thus became the law of the land, "the objections of the governor to the contrary notwithstanding."

On the same day the following resolution was adopted by both houses:

"*Resolved by the House of Representatives of the Territory of Kansas, (the Council concurring therein,)* That the legislature of said Territory do adjourn on the 6th day of July, A. D. 1855, to meet again on Monday, the 16th day of July, 1855, at 2 o'clock p. m., at the Shawnee manual-labor school, in the said Territory."

And on the same day the following resolution was also adopted by both houses:

"*Resolved,* That a committee of three be appointed on the part of the council, to act in conjunction with a committee on the part of the house of representatives, to inform his excellency the governor that the legislative assembly will adjourn this afternoon, to meet on Monday, the 16th instant, at the Shawnee manual-labor school, in the Territory of Kansas."

On the 16th of July the two houses assembled, in pursuance of the adjournment, at the Shawnee manual-labor school, known as Shawnee Mission, and proceeded to the discharge of their legislative duties. In the meantime the governor had also repaired to Shawnee Mission, it being the place of his residence in the Territory, and the seat of the executive offices as established and continued by himself during the whole period he exercised the executive functions.

On the 21st of July a message was received from the governor, by his private secretary, Mr. Lowry, directed "To the House of Representatives of the Territory of Kansas," in which he says:

"I return to your house, in which they originated, the bill entitled 'An act to prevent the sale of intoxicating liquors and games of chance within one mile of the Shawnee Manual Labor School in the Territory of Kansas,' and the bill entitled 'An act to establish a ferry at the town of Atchison, in Kansas Territory,' without my approval. I see nothing in the bills themselves to prevent my sanction of them, and my reasons for disapproval have been doubtless anticipated by you, as necessarily resulting from the opinion expressed in my message of the 6th instant."

The governor then proceeds to argue the question at great length, *whether the legislature is now in session at a place which can be recognised as a seat of government where the business of legislation can be legally or legitimately carried on.*

He does not question the fairness and legality of the election of the members composing the legislature; nor the regularity and validity of their organization; nor their competency as a legislature to pass all laws which they may deem necessary and proper for the best interests of the people of Kansas, *provided it shall be done at the right place.* Upon this point he says:

"It seems to be plain that the legislature now in session, so far as the place is concerned, is in contravention of the act of Congress, and where they have no right to sit, and can make no valid legislation. Entertaining these views, I can give no sanction to any bill that may be passed; and if my reasons are not satisfactory to the legislative assembly, it follows that we must act independently of each other."

In conclusion the governor says:

"If I am right in these opinions, and our Territory shall derive no fruits from the meeting of the present legislative assembly, I shall at least have the satisfaction of recollecting that I called the attention of the assembly to the point before they removed, and that the responsibility, therefore, rests not on the executive."

The governor having thus suspended all official intercourse with the two branches of the legislature, refusing to examine their acts with a view of either approving or disapproving them, they appointed a joint committee of the two houses to draught a memorial to the President of the United States, asking his removal from the office of governor; which memorial was signed by the presiding officers and members in joint session. The memorialists, after reviewing the causes which had led to such serious difficulties, and vindicating the right of the legislature, under the

organic act, to remove the seat of government from Pawnee City to Shawnee Mission, concluded as follows:

"In conclusion, we charge the governor, A. H. Reeder, with wilful neglect of the interests of the Territory; with endeavoring by all means in his power to subvert the ends and objects intended to be accomplished by the 'Kanzas and Nebraska bill,' by neglecting the public interests and making them subservient to private speculation; by aiding and encouraging persons in factious and treasonable opposition to the wishes of the majority of the citizens of the Territory, and the laws of the United States in force in said Territory; by encouraging persons to violate the laws of the United States, and set at defiance the commands of the general government; by inciting persons to resist the laws which may be passed by the present legislative assembly of this Territory. For these, and many other reasons, we respectfully pray your excellency to remove the said A. H. Reeder from the exercise of the functions now held by him in said Territory; and represent that a continuance of the same will be prejudicial to the best interests of the said Territory. And, as in duty bound, we will ever pray," &c., &c.

[*Signed by the officers and members of both houses.*]

On the 15th of August, Governor Reeder addressed a note to the Department of State, acknowledging the receipt of a communication from the acting Secretary, under date of the 28th July, in which he was notified that "in consequence of your [Governor Reeder's] purchase of Kansas half-breed lands," and "more especially the undertaking of sundry persons, yourself included, to lay out new cities on military or other reservations in the Territory of Kansas," and "more particularly as you have summoned the legislative assembly of the Territory to meet at one of the places referred to, denominated in your official proclamation 'Pawnee City,' I have, therefore, by the direction of the President, to notify you that your functions and authority as governor of the Territory of Kansas are hereby terminated."

On the 16th of August, the journal of the house of representatives says:

"The following message was received from Governor A. H. Reeder, by Mr. Lowry, his private secretary:

"*To the honorable the members of the Council and House of Representatives of the Territory of Kansas*

"GENTLEMEN: Although, in my message to your bodies under date of the 21st instant, [ult.] I stated that I was unable to convince myself of the legality of your session at this place, for reasons then given, and although that opinion still remains unchanged, yet, inasmuch as my reasons were not satisfactory to your body, and the bills passed by your houses have been up to this time sent to me for approval, it is proper that I should inform you that after your adjournment of yesterday I received official notification that my functions as governor of the Territory of Kansas were terminated. No successor having arrived, Secretary Woodson will of course perform the duties of the office as acting governor.

"A. H. REEDER."

Inasmuch as Governor Reeder dissolved his official relations with the legislature, and denied the validity of their acts, solely upon the ground that they were enacted *in the wrong place*, it becomes material to inquire whether it was competent for them, under the organic act, to remove the seat of government temporarily from "Pawnee City" to the Shawnee Mission. The 24th section of the organic act provides "that the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act."

That the location of the seat of government, and the changing of the same whenever the public interests and convenience may require it, is a "rightful subject of legislation," is too plain to admit of argument; hence the power is clearly included in this general grant, and may be exercised at pleasure by the legislature, unless it shall be made to appear that Congress, by some other provision, has imposed restrictions or conditions upon its exercise.

The thirty-first section of the organic act provides "that the temporary seat of government of said Territory is hereby located at Fort Leavenworth; and that such portions of the public buildings as may not be actually used and needed for military purposes may be occupied and used, under the direction of the governor and legislative assembly, for such public purposes as may be required under the

provisions of this act;" and the twenty-second section of the same act provides that "the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint" for the first meeting. These two provisions, being parts of the same act, and having reference to the same subject-matter, must be taken together, and receive such a construction as will give full effect to each, and not render either nugatory. While, therefore, the governor was authorized to convene the legislature, in the first instance, at such place as he should appoint, still he was required, by that provision which made Fort Leavenworth the temporary seat of government, with the view of using some of the public buildings, to designate as the place some one of the public buildings within the military reservation of Fort Leavenworth. Had not Congress, in the mean time, interposed and changed the law, as here presented, the governor would not have been authorized to have convened the legislature at "Pawnee City," or at any other place in the Territory than some one of the public buildings at Fort Leavenworth, as provided in the organic act.

In view of the fact that the Secretary of War had intimated an opinion that all of the public buildings at Fort Leavenworth were needed for military purposes, and that the location of the seat of government, even temporarily, within the lines of a military reservation, where the military law must necessarily prevail, would be inconvenient, if not injurious to the public service, the following provision was adopted in the appropriation bill of the 5th of August, 1854, for the purpose of enabling the governor to erect buildings for the temporary seat of government at some more suitable and convenient point in the Territory:

"That in the event that the Secretary of War shall deem it inconsistent with the interest of the military service to furnish a sufficient portion of the military buildings at Fort Leavenworth for the use of the Territorial government of Kansas, the sum of twenty-five thousand dollars shall be, and in that contingency is hereby appropriated, for the erection of public buildings for the use of the legislature of the Territory of Kansas, to be expended under the direction of the governor of said Territory."

Under this provision, taken in connexion with that clause of the organic act which authorized the governor to convene the legislature at such place as he should appoint, he would have had the right to establish the temporary seat of government and erect the public buildings at Pawnee City, or any other place he might have selected in the Territory, instead of Fort Leavenworth, but for the fact that on the 3d of March, 1855, and before any portion of the money had been expended, or even the site selected, Congress made a further appropriation of twenty-five thousand dollars for public buildings, with the proviso "that said money, or any part thereof, or any portion of the money heretofore appropriated for this purpose, shall not be expended until the legislature of said Territory shall have fixed by law the permanent seat of government." This provision did not confer upon the legislature any power in respect to the location of the seat of government, either temporarily or permanently, which it did not previously possess; for the general grant, extending to all "rightful subjects of legislation," necessarily included the right to determine the place of holding its sessions. The object, as well as legal effect of this provision, was to restrain the governor from expending the appropriation until the voice of the people of Kansas should be expressed, through their legislature, in the selection of the place; leaving the governor to perform his whole duty under the 22d section of the organic act, by appointing the place and day of the first meeting of the legislature, and of expending the money appropriated by Congress for the erection of public buildings, at such place as the legislature should designate for the permanent seat of government of the Territory.

Under this view of the subject, it is evident that the legislature was clothed with legitimate authority to enact the law in obedience to which its session was adjourned from Pawnee City to Shawnee Mission; and that its enactments, made at the latter place, must have the same force and validity that they would have possessed had not the removal taken place.

Those who seek to find some tenable ground upon which to destroy the validity of the legislative acts of Kansas, seeing that they cannot safely rely upon the alleged irregularity of the elections, nor upon the absence of legal authority in the legislature to remove the seat of government, flatter themselves that they have recently discovered a new fact which will extricate them from their difficulty, and enable them to accomplish their purpose. It is, that by the treaties of November 7, 1825, and of August 8, 1831, with the Shawnees of Missouri and Ohio, a large tract of land, including the Shawnee Mission, where the legislature held its session, and the governor established the executive offices, was secured to those Indians, with the guaranty on the part of the United States "that said lands shall never be within the bounds of any State or Territory, nor subject to the laws thereof;" and that the 19th section of the Kansas-Nebraska act provides that "nothing in this act contained shall be construed to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas." Upon the authority of these clauses of the treaties, and of the act of Congress organizing the Territory, it is assumed that the Shawnee Mission, where the legislature enacted those laws, was not within the limits or jurisdiction of the Territory of Kansas, and hence they were null and void. Without admitting, even by implication, that the place where the legislature should enact its laws would, to any extent, impair their validity, it is proper to call the attention of the Senate to the fact recorded on its journal, that, on the 10th of May, 1854, (only a few days before the passage of the Kansas-Nebraska act,) a treaty was made with these same Indians, by the first article of which all the lands granted to them by the said treaties of 1825 and 1831 were ceded to the United States, and, being thus exempted from the operation of the guaranties in those treaties, were, by the terms of the organic act of Kansas, included within the limits, and rendered subject to the jurisdiction of said Territory.

The second article granted the house in which the legislature afterwards held its sessions, and the land upon which the house stood, to the missionary society of the Methodist Episcopal Church South, in these words:

"Of the lands lying east of the parallel line aforesaid, there shall first be set apart to the missionary society of the Methodist Episcopal Church South, to include the improvements of the Indian manual-labor school, three sections of land; to the Friends' Shawnee labor school, including the improvements there, three hundred and twenty acres of land; and to the American Baptist Union, to include the improvements where the superintendent of the school now resides, one hundred and sixty acres of land; and also five acres of land to the Shawnee Methodist Church, including the meeting-house and grave-yard; and two acres of land to the Shawnee Baptist Church, including the meeting-house and grave-yard."

The other articles of the treaty provide for the survey of these lands, and for granting two hundred acres to each Shawnee Indian, to be held as private property, subject to such conditions as Congress should impose, and recognise the right of the legislature to lay out roads and public highways across the Indian lands, on the same terms as the law provides for their location through the lands of citizens of the United States. The Rev. Thomas Johnson, who was president of the Kansas legislative council, and also agent of the missionary society of the Methodist Episcopal Church, to which the lands and improvements belonged, authorized the legislature to use and occupy such portions of the buildings of which he held the lawful possession, as they should find convenient in the exercise of their legislative functions.

Upon a careful review and examination of all the facts, laws, and treaties bearing upon the point, your committee are clearly of the opinion that the Shawnee manual-labor school was a place to which the legislature might lawfully adjourn and enact valid laws in pursuance of the organic act of the Territory.

We do not deem it necessary to inquire into the expediency of the removal of the seat of government, for the reason that it cannot affect the validity of the

legislative proceedings. It is sufficient to state, that the reasons assigned by the governor against the expediency of the measure were: first, "the loss of time (more valuable because limited) which our organic law allots to the legislative session;" and secondly, "because it will involve a pecuniary loss, in view of the arrangements which have been made at this place for our accommodation." As an offset to the unfortunate circumstance that the people of Kansas would be deprived, for the period of ten days, of all the advantages and protection which were expected to result from the wholesome laws which the governor had recommended them to enact upon all rightful subjects of legislation, and to the pecuniary loss which would be sustained in consequence of the removal from Pawnee City, the members of the legislature, in their memorial to the President of the United States, asking him to remove the governor, state their reasons as follows, for the allegation that there was an unnecessary loss of three months' time after the election in convening the legislature, and that Pawnee was not a suitable place for them to meet:

"After the contest was over, and the result known, he delayed the assembling of the body until the 2d day of July—more than three months afterwards—and that, too, when the whole Union was convulsed on account of alleged outrages in Kansas Territory, and yet no law for the punishment or prevention of them. When at last they did meet, upon the call of the governor, at a point where they had previously, in an informal manner, protested against being called, with an avowal of their intention to adjourn to the point at which they are now assembled, for the reasons that the requisite accommodations could not be had; where there were no facilities for communication with their families or constituents; where they could not even find the commonest food to eat, unless at an enormous expense, there being no gardens yet made by the squatters; where the house in which we were expected to assemble had no roof or floor on the Saturday preceding the Monday of our assembling, and for the completion of which the entire Sabbath day and night was desecrated by the continual labor of the mechanics; where, at least, one-half of the members, employees, and almost all others who had assembled there for business or otherwise, had to camp out in wagons and tents during a rainy, hot season, and where cholera broke out, as a consequence of the inadequate food and shelter; and when, under all of these circumstances of annoyance, they finally passed an act adjourning to this point, Shawnee manual-labor school, where ample accommodations are provided, and where the governor himself had previously made it the seat of government, they were met by his veto, which is herewith transmitted."

Your committee have not considered it any part of their duty to examine and review each enactment and provision of the large volume of laws adopted by the legislature of Kansas upon almost every rightful subject of legislation, and affecting nearly every relation and interest in life, with a view either to their approval or disapproval by Congress, for the reason that they are local laws, confined in their operation to the internal concerns of the Territory, the control and management of which, by the principles of the federal constitution, as well as by the very terms of the Kansas Nebraska act, are confided to the people of the Territory, to be determined by themselves through their representatives in their local legislature, and not by the Congress, in which they have no representatives, to give or withhold their assent to the laws upon which their rights and liberties may all depend. Under these laws marriages have taken place, children have been born, deaths have occurred, estates have been distributed, contracts have been made, and rights have accrued which it is not competent for Congress to divest. If there can be a doubt in respect to the validity of these laws, growing out of the alleged irregularity of the election of the members of the legislature, or the lawfulness of the place where its sessions were held, which it is competent for any tribunal to inquire into, with a view to its decision at this day, and after the series of events which have ensued, it must be a judicial question, over which Congress can have no control, and which can be determined only by the courts of justice, under the protection and sanction of the constitution.

When it was proposed in the last Congress to annul the acts of the legislative assembly of Minnesota, incorporating certain railroad companies, this committee reported against the proposition, and, instead of annulling the local legislation of the Territory, recommended the repeal of that clause of the organic act of Minnesota which reserves to Congress the right to disapprove its laws. That recom-

mendation was based on the theory that the people of the Territory, being citizens of the United States, were entitled to the privilege of self-government in obedience to the constitution; and if, in the exercise of this right, they had made wise and just laws, they ought to be permitted to enjoy all the advantages resulting from them; while, on the contrary, if they had made unwise and unjust laws, they should abide the consequences of their own acts until they discovered, acknowledged, and corrected their errors.

It has been alleged that gross misrepresentations have been made in respect to the character of the laws enacted by the legislature of Kansas. calculated, if not designed, to prejudice the public mind at a distance against those who enacted them, and to create the impression that it was the duty of Congress to interfere and annul them. In view of the violent and insurrectionary measures which were being taken to resist the laws of the Territory, a convention of delegates, representing almost every portion of the Territory of Kansas, was held at the city of Leavenworth on the 14th of November, 1855, at which men of all shades of political opinions, "Whigs, Democrats, Pro-slavery men, and Free-state men, all met and harmonized together, and forgot their former differences in the common danger that seemed to threaten the peace, good order, and prosperity of this community." This convention was presided over by the governor of the Territory, assisted by a majority of the judges of the supreme court; and the address to the citizens of the United States, among other distinguished names, bears the signatures of the United States district attorney and marshal for the Territory.

It is but reasonable to assume that the interpretation which these functionaries have given to the acts of the Kansas legislature in this address will be observed in their official exposition and execution of the same. In reference to the wide-spread perversions and misrepresentations of those laws, this address says:

"The laws passed by the legislature have been most grossly misrepresented, with the view of prejudicing the public against that body, and as an excuse for the revolutionary movements in this Territory. The limits of this address will not permit a correction of all these misrepresentations; but we will notice some of them that have had the most wide-spread circulation.

"It has been charged and widely circulated that the legislature, in order to perpetuate their rule, had passed a law prescribing the qualification of voters, by which it is declared 'that any one may vote who will swear allegiance to the fugitive slave law, the Kansas and Nebraska bill, and pay one dollar.' Such is declared to be the evidence of citizenship, such the qualification of voters. In reply to this, we say that no such law was ever passed by the legislature. The law prescribing the qualification of voters expressly provides that, to entitle a person to vote, he must be twenty-one years of age, an actual inhabitant of this Territory, and of the county or district in which he offers to vote, and shall have paid a Territorial tax. There is no law requiring him to pay a dollar-tax as a qualification to vote. He must pay a tax, it is true, (and this is by no means an unusual requirement in the States; but whether this tax is levied on his personal or real property, his money at interest, or as a poll-tax, makes no difference; the payment of any Territorial tax entitles the person to vote, provided he has the other qualifications provided by law. The act seems to be carefully drawn, with the view of excluding all illegal and foreign votes. The voter must be an inhabitant of the Territory, and of the county or district in which he offers to vote, and he must have paid a Territorial tax. The judges and clerks are required to be sworn, and to keep duplicate poll-boxes; and ample provision is made for contesting elections, and purging the polls of all illegal votes. It is difficult to see how a more guarded law could be framed, for the purpose of protecting the purity of elections and the sanctity of the ballot-box. The law does not require the voter to swear to support the fugitive slave law or the Kansas and Nebraska bill, unless he is challenged; in that case, he is required to take an oath to support each of these laws. As to the dollar law, (so called,) it is merely a poll-tax, and has no more connexion with the right of suffrage than any other tax levied by the Territorial authority, and is to be paid whether the party votes or not. It is a mere temporary measure, having no force beyond this year, and was resorted to as such to supply the Territorial treasury with the necessary means to carry on the government.

"It has also been charged against the legislature that they elected all of the officers of the Territory for six years. This is without any foundation. They elected no officer for six years; and the only civil officers they retain the election of, that occurs to us at present, are the auditor and treasurer of state, and the district attorneys, who hold their offices for four, and not six years. By the organic act, the commissions issued by the governor to the civil officers of the Territory all expired on the adjournment of the legislature. To prevent a fail-

ure in the local administration, and from necessity, the legislature made a number of temporary appointments, such as probate judge, and two county commissioners, and a sheriff of each county. The probate judge and county commissioners constitute the tribunal for the transaction of county business, and are invested with the power to appoint justices of the peace, constables, county surveyor, recorder, and clerk, &c. Probate judges, county commissioners, sheriffs, &c., are all temporary appointments, and are made elective by the people at the first annual election in 1857. The legislature could not have avoided meeting some temporary appointments. No election could have been held without them. There were no judges, justices of the peace, or other officers to conduct an election of any kind, until appointed by the legislature. It was the exercise of a power which the first legislative assembly in every Territory must, of necessity, exercise, in order to put the local government in motion. We see nothing in this to justify revolution or a resort to force. The law for the protection of slave property has also been much misunderstood. The right to pass such a law is expressly stated by Governor Reeder in his inaugural message, in which he says: 'A Territorial legislature may undoubtedly act upon the question to a limited and partial extent, and may temporarily prohibit, tolerate, or regulate slavery in the Territory, and in an absolute or modified form, with all the force and effect of any other legislative act, binding until repealed by the same power that enacted it.' There is nothing in the act itself, as has been charged, to prevent a free discussion of the subject of slavery. Its bearing on society, its morality or expediency, or whether it would be politic or impolitic to make this a slave State, can be discussed here as freely as in any State in this Union, without infringing any of the provisions of the law. To deny the right of a person to hold slaves under the law in this Territory is made penal; but beyond this, there is no restriction to the discussion of the slavery question, in any aspect in which it is capable of being considered. We do not wish to be understood as approving of all the laws passed by the legislature; on the contrary, we would state that there are some that we do not approve of, and which are condemned by public opinion here, and which will no doubt be repealed or modified at the meeting of the next legislature. But this is nothing more than what frequently occurs, both in the legislation of Congress and of the various State legislatures. The remedy for such evils is to be found in public opinion, to which, sooner or later, in a government like ours, all laws must conform."

A few days after Governor Reeder dissolved his official relations with the legislature, on account of the removal of the seat of government, and while that body was still in session, a meeting was called by "many voters," to assemble at Lawrence on the 14th or 15th of August, 1855, "to take into consideration the propriety of calling a Territorial convention, preliminary to the formation of a State government, and other subjects of public interest." At that meeting the following preamble and resolutions were adopted with but one dissenting voice:

"Whereas the people of Kansas Territory have been since its settlement, and now are, without any law-making power: therefore,

"*Be it resolved*, That we, the people of Kansas Territory, in mass meeting assembled, irrespective of party distinctions, influenced by a common necessity, and greatly desirous of promoting the common good, do hereby call upon and request all *bona-fide* citizens of Kansas Territory, of whatever political views or predilections, to consult together in their respective election districts, and, in mass convention or otherwise, elect three delegates for each representative of the legislative assembly, by proclamation of Governor Reeder of date 10th March, 1855; said delegates to assemble in convention at the town of Topeka, on the 19th day of September, 1855, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America."

This meeting, so far as your committee have been able to ascertain, was the first step in that series of proceedings which resulted in the adoption of a constitution and State government, to be put in operation on the 4th of the present month, in subversion of the Territorial government established under the authority of Congress. The right to set up the State government in defiance of the constituted authorities of the Territory, is based on the assumption "that the people of Kansas Territory have been since its settlement, and now are, without any law-making power;" in the face of the well-known fact, that the Territorial legislature were then in session, in pursuance of the proclamation of Governor Reeder and the organic law of the Territory. On the 5th of September, a "Territorial delegate convention" assembled at the Big Springs "to take into consideration the present exigencies of political affairs," at which, among others, the following resolutions were adopted:

"*Resolved*, That this convention, in view of its recent repudiation of the acts of the so-called Kansas legislative assembly, respond most heartily to the call made by the people's convention of the 14th ultimo, for a delegate convention of the people of Kansas, to be held at Topeka on the 19th instant, to consider the propriety of the formation of a State constitution, and such matters as may legitimately come before it.

"*Resolved*, That we owe no allegiance or obedience to the tyrannical enactments of this spurious legislature; that their laws have no validity or binding force upon the people of Kansas; and that every freeman among us is at full liberty, consistently with his obligations as a citizen and a man, to defy and resist them if he choose so to do.

"*Resolved*, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a bloody issue as soon as we ascertain that peaceable remedies shall fail, and forcible resistance shall furnish any reasonable prospect of success; and that in the meantime we recommend to our friends throughout the Territory the organization and discipline of volunteer companies, and the procurement and preparation of arms."

With the view to a distinct understanding of the meaning of so much of this resolution as relates to the "organization and discipline of volunteer companies, and the procurement and preparation of arms," it may be necessary to state that there was at that time existing in the Territory a secret military organization, which had been formed for political objects prior to the alleged invasion, at the election on the 30th of March, and which held its first "grand encampment at Lawrence, February 8th, 1855." Your committee have been put in possession of a small printed pamphlet, containing the "constitution and ritual of the grand encampment and regiments of the Kansas legion of Kansas Territory, adopted April 4th, 1855," which, during the recent disturbances in that Territory, was taken on the person of one George Warren, who attempted to conceal and destroy the same by thrusting it into his mouth, and biting and chewing it. Although somewhat mutilated by the "tooth prints," it bears internal evidence of being a genuine document, authenticated by the original signatures of "G. W. Hutchinson, grand general," and "J. K. Goodwin, grand quartermaster." On the last page was a charter of the Kansas legion, authorziing the said George Warren, from whose mouth the document was taken, to form a new regiment, as follows:

"*Charter of the Kansas Legion.*

"UNITED STATES OF AMERICA,
Territory of Kansas.

"Know all men by these presents, that *we*, the Grand Encampment of the Kansas Legion of Kansas Territory, have created, chartered, and empowered, and by these presents do create, charter, and empower George F. Warren to be regiment ———, No. ———, of the Kansas Legion; and, as such, they are hereby invested with all and singular the authority and privileges with which each and every regiment is invested, working under a charter from the Grand Encampment.

"In witness whereof, we have hereunto set our hands this sixteenth day of August, one thousand eight hundred and fifty-five.

"G. W. HUTCHINSON,
"*Grand General.*
"J. K. GOODWIN,
"*Grand Quartermaster.*"

The constitution consists of six articles regulating the organization of the "Grand Encampment," which is "composed of representatives elected from each subordinate regiment existing in the Territory, as hereafter provided. The officers of the Grand Encampment shall consist of a Grand General, Grand Vice General, Grand Quartermaster, Grand Paymaster, Grand Aid, two Grand Sentinels, and Grand Chaplain.

"The Grand Encampment shall make all nominations for Territorial officers at large, and immediately after such nominations shall have been made, the Grand General shall communicate the result to every regiment in the Territory."

The officers of the "GRAND ENCAMPMENT" are Grand General REV. G. W. Hutchinson, Lawrence, K. T.

Grand Vice-General, C. K. Holliday, Topeka, K. T.

Grand Quartermaster, J. K. Goodwin, Lawrence, K. T.

Grand Paymaster, Charles Leib, M. D., Leavenworth city, K. T.

By "the constitution of the subordinate encampment," "the officers of each subordinate regiment shall consist of a colonel, a lieutenant colonel, a quartermaster, aid, and two sentinels. The regiment located in each and every election district shall make nominations for all candidates for offices in their respective districts; but where there shall be two or more regiments in any one election district, of whatever kind, these nominations shall be made by delegates from the respective encampments within said district."

The "ritual" continues the order of business and modes of proceeding in the subordinate encampment under the following heads:

1st. Reading the minutes by the quartermaster.
2d. Proposals for new recruits.
3d. Voting for same.
4th. Initiation of recruits.
5th. Reports of committees.
6th. Unfinished business appearing on the minutes.
7th. Miscellaneous business.
8th. Adjournment.

The "opening ceremony" of the subordinate encampments is as follows:

"The colonel, lieutenant-colonel, quartermaster, paymaster, aid, and sentinels, being in their respective places, the regiment shall be called and thus addressed by the colonel:

"*Colonel.* Fellow-soldiers in the free-State army: The hour has arrived when we must resume the duties devolving upon us. Let us each, with a heart devoted to justice, patriotism, and liberty, attend closely to all the regulations laid down for our government and action; each laboring to make this review pleasant and profitable to ourselves, and a blessing to our country. Aid, are the sentinels at their posts, with closed doors?

"*Aid.* They are.

"*Colonel.* Aid, you will now review the troops in the regiment's passwords.

"*Aid.* (After examination.) I have examined them personally, and find each correct.

"*Colonel.* I pronounce this regiment arrayed and ready for service."

Then follow the process of initiating new recruits, who are properly vouched for by members of the order, the preliminary obligations to observe secrecy, the catechism to which the candidate is subjected, and the explanations of the colonel in respect to the objects of the order, which are thus stated:

"First, to secure to Kansas the blessing and prosperity of being a free State; and, secondly to protect the ballot-box from the LEPROUS TOUCH OF UNPRINCIPLED MEN."

These and all other questions being satisfactorily answered, the final oath is thus administered:

"With these explanations upon our part, we shall ask of you that you take with us an obligation placing yourself in the same attitude as before.

"OBLIGATION.

"I, ——— ———, in the most solemn manner, here, in the presence of Heaven and these witnesses, bind myself that I will never reveal, nor cause to be revealed, either by word, look, or sign, by writing, printing, engraving, painting, or in any manner whatsoever, anything pertaining to this institution, save to persons duly qualified to receive the same. I will never reveal the nature of the organization, the place of meeting, the fact that any person is a member of the same, or even the existence of the organization, except to persons legally qualified to receive the same. Should I at any time withdraw, or be suspended or expelled from this organization, I will keep this obligation to the end of life. If any books, papers, or moneys belonging to this organization be intrusted to my care or keeping, I will faithfully and completely deliver up the same to my successor in office, or any one legally authorized to receive them. I will never knowingly propose a person for membership in this order who is not in favor of making *Kansas a free State*, and whom I feel satisfied will exert his entire influence to bring about this result. I will support, maintain, and abide by any honorable movement made by the organization to secure this great end, which will not conflict with the laws of the country and the constitution of the United States. I will unflinchingly vote for and support the candidates nominated by this organization in preference to any and all others.

"To all of this obligation I do most solemnly promise and affirm, binding myself under the penalty of being expelled from this organization, of having my name published to the several Territorial encampments as a perjurer before Heaven and a traitor to my country, of passing through life scorned and reviled by man, frowned on by devils, forsaken by angels, and abandoned by God."

The "closing ceremony" is as follows:

"[*Colonel.*] Fellow-soldiers: I trust this review has been both pleasant and profitable to all. We met as friends; let us part as brothers, remembering that we seek no wrong to any; and our bond of union in battling for the right must tend to make us better men, better neighbors, and better citizens. We thank you for your kindness and attention, and invite you all to be present at our next review, to be holden at ———, on ——— next, at —— o'clock p. m. Sentinels, you will open the doors, that our soldiers may retire pleasantly and in order."

Your committee have deemed it important to give this outline of the "constitution and ritual of the grand encampment and regiments of the Kansas legion," as constituting the secret organization, political and military, in obedience to which the public demonstrations have been made to subvert the authority of the Territorial government established by Congress, by setting up a State government, either with or without the assent of Congress, as circumstances should determine. The endorsement of this military organization, and the recommendation by the Big Springs convention for "the procurement and preparation of arms," accompanied with the distinct declaration that we "will resist them [the laws enacted by the Kansas legislature] to a bloody issue, as soon as we ascertain that peaceable remedies shall fail, and forcible resistance shall furnish any reasonable prospect of success," would seem to admit of no other interpretation than that, in the event that the courts of justice shall sustain the validity of those laws, and Congress shall refuse to admit Kansas as a State with the constitution to be formed at Topeka, they will set up an independent government in defiance of the federal authority.

The same purpose is clearly indicated by the other proceedings of this convention, in which it is declared that "we with scorn repudiate the election-law, so called," and they nominate Governor Reeder for Congress, to be voted for on a different day from that authorized by law, at an election to be held by judges and clerks not appointed in pursuance of any legal authority, and not to be sworn by any person authorized by law to administer oaths; and the returns to be made, and result proclaimed, and certificate granted, in a mode and by persons not permitted to perform these acts by any law, in or out of the Territory.

In accepting the nomination, Governor Reeder addressed the convention as follows; and among other things, said:

"In giving him this nomination in this manner, they had strengthened his arms to do their work, and, in return, he would now pledge to them a steady, unflinching, pertinacity of purpose, never-tiring industry, dogged perseverance, and, in all the abilities with which God had endowed him, to the righting of their wrongs, and the final triumph of their cause. He believed, from the circumstances which had for the last eight months surrounded him, and which at the same time placed in his possession many facts, and bound him, heart and soul, to the oppressed voters of Kansas, that he could do much towards obtaining a redress of their grievances.

"He said that, day by day, a crisis was coming upon us; that, in after-times, this would be to posterity a turning-point, a marked period, as are to us the opening of the Revolution, the adoption of the Declaration of Independence, and the era of the alien and sedition laws; that we should take each carefully, so that each be a step of progress, and so that no violence be done to the tie which binds the American people together. He alluded to the unprecedented tyranny under which we are and have been; and said that, if any one supposed that institutions were to be imposed by force upon a free and enlightened people, they never knew, or had forgotten, the history of our fathers. American citizens bear in their breasts too much of the spirit of other and trying days, and have lived too long amid the blessings of liberty to submit to oppression from any quarter; and the man who, having once been free, could tamely submit to tyranny, was fit to be a slave.

"He urged the Free-State men of Kansas to forget all minor issues, and pursue determinedly the one great object, never swerving, but steadily pressing on, as did the wise men who followed the star to the manger, looking back only for fresh encouragement. He counselled that peaceful resistance be made to the tyrannical and unjust laws of the spurious legislature; that appeals to the courts, to the ballot-box, and to Congress, be made for relief from this op-

pressive load; that violence should be deprecated as long as a single hope of peaceable redress remained; but if, at last, all these should fail—if, in the proper tribunals, there is no hope for our dearest rights, outraged and profaned—if we are still to suffer, that corrupt men may reap harvests watered by our tears—then there is one more chance for justice. God has provided, in the eternal frame of things, redress for every wrong; and there remains to us still the steady eye and the strong arm, and we must conquer, or mingle the bodies of the oppressors with those of the oppressed upon the soil which the Declaration of Independence no longer protects. But he was not at all apprehensive that such a crisis would ever arrive. He believed that justice might be found far short of so dreadful an extremity; and, even should an appeal to arms come, it was his opinion, that if we are well prepared, that moment the victory is won."

In pursuance of the recommendation of the mass meeting held at Lawrence on the 14th of August, and endorsed by the convention held at the Big Springs on the 5th and 6th of September, a convention was held at Topeka on the 19th and 20th of September, at which it was determined to hold another convention at the same place on the fourth Tuesday of October, for the purpose of forming a constitution and State government; and to this end such proceedings were had as were deemed necessary for giving the notices conducting the election of delegates, making the returns, and assembling the convention. With regard to the regularity of these proceedings, your committee see no necessity for further criticism other than is to be found in the fact that it was the movement of a political party instead of the whole body of the people of Kansas, conducted without the sanction of law, and in defiance of the constituted authorities, for the avowed purpose of overthrowing the Territorial government established by Congress.

The constitutional convention met at Topeka on the fourth Tuesday of October, and organized by electing Colonel J. H. Lane president, who, in returning his acknowledgements for the honor, repudiated the validity of the Territorial legislature and its acts in these words:

"Gentlemen of the convention: For the position assigned me, accept my thanks. You have met, gentlemen, on no ordinary occasion, to accomplish no ordinary purpose. You are the first legal representatives the real settlers of Kansas have ever had. You comprise the first legally elected representative body ever assembled in the Territory," &c.

"*Friday, October* 26.—Mr. Smith offered the following resolution, instructing the standing committees:

"*Resolved*, That the various committees of this convention be, and they are hereby, instructed to frame their work, having in view an immediate organization of a State government."

"*October* 30.—In the evening session the debates ran high upon Mr. Smith's resolution in reference to an immediate State organization. The mover of the resolution was in favor of electing State officers at once. He would advise no hesitation; he would present a bold front, and waver not at all. The Territory was without laws; life and property were unprotected. The Territorial government had broken down. He would not leave it an hour for the action of Congress after an application for admission, but would set up an independent form of government," &c.

Mr. EMERY said: "Now, Mr. Chairman, what does this resolution contemplate? What is proposed to be done? It first proposes to supersede the present weak and inefficient Territorial government, and hence it enunciates the fundamental idea of the constitutional movement. Ay, it does more. It proposes to prove into a fact the leading idea of the Declaration of Independence, the highest human authority in American politics, which is this: whenever any form of government becomes destructive of the ends for which it was instituted, it is the right of the people to alter or abolish it, and to institute a new government. It proposes to force theories of human rights into facts, to practically apply this great principle to the wants and the necessities of the down-trodden people of Kansas. I do not question this right of the people, and certainly no gentleman on this floor will disagree with me. If he does, he occupies a most extraordinary position, and consistency would suggest that he withdraw from this body. No, when we say that we will take measures to supersede and render unnecessary that *thing* now extended over us called a Territorial government—when we say and maintain that we have a right, guarantied by the constitution, to have a form of government resting on our own consent and free will, we are doing what, as American citizens, we have a right to do; we only propose to carry out the doctrine, much abused and grossly misrepresented as it has been—I mean the doctrine of squatter sovereignty, under which we are assembled here today, and in pursuance of the principles of which we hope to extricate ourselves from our present unhappy condition."

It is but just to state, that, in another part of this same speech, Mr. Emery declared himself opposed to an immediate election "under the new constitution, and

an immediate session of the general assembly, when all the wheels of State government shall be put in motion, irrespective of the action of Congress, upon due application for admission. Mr. E. presented his objections to the position of Mr. Smith, and maintained the views above indicated. He contended that, inasmuch as the Territorial form of government was recognised by the Supreme Court of the United States, and hence a legal form of government, no other government could be substituted so long as that was in existence, without risking the most serious consequences, to say the least."

In reply to the advocates of immediate State organization, Mr DELAHAY, of Leavenworth, said:

"Under the defined rights of squatter sovereignty, as enunciated by the Kansas-Nebraska act, it seems reasonable that the people have the right to take upon themselves the burdens of a government; but I question the right of the people of Kansas to organize a new government created by Congress. The gentleman from Lawrence [Colonel Lane] has assumed as a fundamental position, in advocating an immediate State organization, that neither government nor local law exists in this Territory. Sir, I must dissent from that position. I deny, Mr. Chairman, that a Territorial government can be legally abolished by the election of another government. I hold, on the contrary, and I think that my position would be supported by our highest legal authorities, that the power of a Territorial government ceases only by the enactment of the body which created it; in other words, that the government and laws of Kansas can be abolished by Congress alone, and are beyond the reach of this Territory, or any other power. I do not pretend to deny that, as all civil power is derived from the people, they have the moral right to abolish unjust laws, or to overthrow obnoxious governments by force; but I do question the expediency of effecting a reform in Kansas by any overt act of rebellion. For I must confess, Mr. Chairman, while I cast not the shadow of suspicion on the motives of the advocates of this measure, that from the point of view from which I regard this question, it appears to me to be an act of rebellion."

Your committee have made these voluminous extracts from the best authenticated reports which they have been able to obtain of the proceedings of the convention, for the purpose of showing that it was distinctly understood on all sides that the adoption of the proposition for organizing the State government before the assent of Congress for the admission of the State should be obtained, was a decision in favor of repudiating the laws and overthrowing the Territorial government, in defiance of the authority of Congress. By this decision, as incorporated into the schedule to the constitution, the vote on the ratification to the constitution was to be held on the 15th of December, 1855, and the election for all State officers on the third Tuesday of January, 1856. The third section of the schedule is as follows:

"The general assembly shall meet on the 4th day of March, A. D. 1856, at the city of Topeka, at 12 m., at which time and place the governor, lieutenant-governor, secretary of state, judges of supreme court, treasurer, auditor, State printer, reporter and clerk of supreme court, and attorney general, shall appear, take the oath of office, and enter upon the discharge of the duties of their respective offices under this constitution; and shall continue in office in the same manner, and during the same period, they would have done had they been elected on the first Monday of August, A. D. 1856."

The elections for all these officers were held at the times specified; and on the fourth day of the present month the new government was to have been put in operation, in conflict with the Territorial government established by Congress, and for the avowed purpose of subverting and overthrowing the same, without reference to the action of Congress upon their application for admission into the Union.

Your committee are not aware of any case in the history of our own country which can be fairly cited as an example, much less a justification, for these extraordinary proceedings. Cases have occurred in which the inhabitants of particular Territories have been permitted to form constitutions, and take the initiatory steps for the organization of State governments, preparatory to their admission into the Union, without obtaining the previous assent of Congress; BUT IN EVERY INSTANCE THE PROCEEDING HAS ORIGINATED WITH, AND BEEN CONDUCTED IN SUBORDINATION TO, THE AUTHORITY OF THE LOCAL GOVERNMENTS ESTABLISHED OR RECOGNISED BY THE GOVERNMENT OF THE UNITED STATES. Michigan, Arkansas, Florida, and California,

are sonretimes cited as cases in point. Michigan was erected into a Territory in pursuance of the ordinance of the 13th of July, 1787, as recognised and carried into effect by acts of Congress subsequent to the adoption of the federal constitution. In that ordinance it was provided that the Territory northwest of the Ohio river should be divided into not less than three nor more than five States; "and whenever any of said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government."

In pursuance of this provision of their organic law, the legislature of the Territory of Michigan passed an act providing for a convention of the people to form a constitution and State government, which was accordingly done in obedience to the laws and constituted authorities of the Territory. The legislature of the Territory of Arkansas, having ascertained by a census that the Territory contained about fifty-one thousand eight hundred inhabitants, at a time when the ratio of representation in Congress awarded one representative to each forty-seven thousand seven hundred inhabitants, passed an act authorizing the people to form a constitution and ask for admission into the Union, as they supposed they had a right to do under the treaty acquiring the territory from France, which guarantied their admission as soon as may be consistent with the federal constitution. Upon this point your committee adopt the legal opinion of the Attorney General of the United States, (B. F. Butler,) as expressed in the following extract:

"But I am not prepared to say that all proceedings on this subject, on the part of the citizens of Arkansas, will be illegal. They undoubtedly possess the ordinary privileges and immunities of citizens of the United States. Among these, is the right to assemble and to petition the government for the redress of grievances; in the exercise of this right, the inhabitants of Arkansas may peaceably meet together in primary assemblies, or in conventions chosen by such assemblies, for the purpose of petitioning Congress to abrogate the Territorial government, and to admit them into the Union as an independent State. The particular form which they may give to their petition cannot be material, so long as they confine themselves to the mere right of petitioning, and conduct all their proceedings in a peaceable manner. And as the power of Congress over the whole subject is plenary and unlimited, they may accept any constitution, however framed, which in their judgment meets the sense of the people to be affected by it. If, therefore, the citizens of Arkansas think proper to accompany their petition with a written constitution, framed and agreed on by their primary assemblies, or by a convention of delegates chosen by such assemblies, I perceive no legal objection to their power to do so, nor to any measures which may be taken to collect the sense of the people in respect to it; provided, always, that such measures be commenced and prosecuted in a peaceable manner, in strict subordination to the existing Territorial government, and in entire subserviency to the power of Congress to adopt, reject, or disregard them, at their pleasure.

"It is, however, very obvious, that all measures commenced and prosecuted with a design to subvert the Territorial government, and to establish and put in force in its place a new government, without the consent of Congress, will be unlawful. The laws establishing the Territorial government must continue in force until abrogated by Congress; and, in the meantime, it will be the duty of the governor, and of all the Territorial officers, as well as of the President, to take care that they are faithfully executed."

On the 11th day of January, 1839, a committee of the constitutional convention of Florida addressed a memorial to Congress, in which they state that in 1837 the Territorial council passed a law submitting to the people the question of "State" or "Territory," to be decided at the election of delegate to Congress in the month of May of that year; that a decided majority of the suffrages given at that election was in favor of "State;" that the legislative council of 1838, in obedience to the expressed wishes of the people, enacted a law authorizing the holding of a convention to form and adopt a State constitution; that the convention assembled on the 3d of December, 1838, and continued in session until the 11th of January, 1839; and that, on behalf of the people of Florida, they transmit the "constitution, or form of government," and ask for admission into the Union. It is also stated in the memorial that in 1838 a census of the Territory was taken, in obedience to a law passed by the Territorial council, and that this census, although taken during the ravages of Indian hostilities, when a large portion of the inhab-

itants could not be found at home, showed an aggregate population of forty-eight thousand two hundred and twenty-three persons, which the memorialists insisted furnished satisfactory assurance of a sufficient population to entitle them to admission, according to the treaty acquiring the country from Spain, and the then ratio of representation, which awarded a member of Congress to each 47,700 inhabitants. Congress failing to yield its assent to the admission of Florida for more than six years after this constitution was formed and application made, the people of Florida during all that period remained loyal to the Territorial government and obedient to its laws, and did not assume the right to supersede the existing government by putting into operation a State government until the assent of Congress was obtained in 1845.

The circumstances connected with the formation of the constitution and State government of California are peculiar. During the Mexican war the country was conquered and occupied by our troops, and the civil government was administered by the military authorities under the war power. According to an official communication of General Persifor F. Smith, acting governor of California, to a committee of citizens of San Francisco, under date of March 27, 1849, withholding his "recognition and concurrence" in their proposition "to organize a legislative assembly, and to appoint judges and other ministerial officers, and to enact suitable laws to establish principles of justice and equity, and to give protection to life, liberty, and property," it appears that the President of the United States (Mr. Polk) and his cabinet officially promulgated the following opinions as the decision of the Executive on the points stated:

1st. That at the conclusion of the treaty with Mexico, on the 30th of May, 1848, the military government existing in California was a government *de facto*.

2d. That it, of necessity, continue until Congress provide another; because, if it cease, anarchy must ensue: thus inferring that no power but Congress can establish any government.

It also appears, from the proclamation of General Riley, acting governor, to the people of California, dated June 3d, 1849, that a government *de facto* was constituted as follows:

"A brief summary of the organization of the present government may not be uninteresting. It consists—First, of a governor appointed by the supreme government; in default of such appointment, the office is temporarily vested in the commanding military officer of the department. The powers and duties of the governor are of a limited character, but fully defined and pointed out by the laws. Second, a secretary, whose duties and powers are also properly defined. Third, a territorial or departmental legislature, with limited powers to pass laws of a local character. Fourth, a superior court (tribunal superior) of the Territory, consisting of four judges and a fiscal. Fifth, a prefect and sub-prefects for each district, who are charged with the preservation of the public order and the execution of the laws; their duties correspond, in a great measure, with those of district marshals and sheriffs. Sixth, a judge of first instance, for each district. This office is, by a custom not inconsistent with the laws, vested in the first alcalde of the district. Seventh, alcaldes, who have concurrent jurisdiction among themselves in the same district, but are subordinate to the higher judicial tribunals. Eighth, local justices of the peace. Ninth, ayuntamientos, or town councils. The powers and functions of all these officers are fully defined in the laws of the country, and are almost identical with those of the corresponding officers in the Atlantic and Western States."

On the 3d of April, 1849, President Taylor appointed Thomas Butler King agent, for the purpose of conveying important instructions to our military and naval commanders who were intrusted with the administration of the civil government *de facto* in California, and to make known to the people his opinions and wishes in respect to the formation of a constitution and State government preparatory to their admission into the Union. What these opinions and wishes were, are distinctly stated by the President in the following extract from his special message to Congress on the 23d of January, 1850:

"I did not hesitate to express to the people of those Territories my desire that each Territory should, if prepared to comply with the requisitions of the constitution of the United States, form a plan of a State constitution, and submit the same to Congress, with a prayer for admission into the Union as a State; but I did not anticipate, suggest, or authorize the

establishment of any such government without the assent of Congress; nor did I authorize any government agent or officer to interfere with or exercise any influence or control over the election of delegates, or over any convention, in making or modifying their domestic institutions, or any of the provisions of their proposed constitution. On the contrary, the instructions by my orders were, that all measures of domestic policy adopted by the people of California must originate solely with themselves; that, while the Executive of the United States was desirous to protect them in the formation of any government republican in its character, to be at the proper time submitted to Congress, yet it was to be distinctly understood that the plan of such a government must, at the same time, be the result of their own deliberate choice, and originate with themselves, without the interference of the Executive."

On the 30th of June, 1850, General Riley, in his capacity as civil governor of California, reports to the government at Washington that—

"On the 3d instant I issued my proclamation to the people of California, defining what was understood to be the legal position of affairs here, and pointing out the course it was deemed advisable to pursue in order to procure a new political organization, better adapted to the character and present condition of the country. The course indicated in my proclamation will be adopted by the people, almost unanimously; and there is now little or no doubt that the convention will meet on the first of September next, and form a State constitution, to be submitted to Congress in the early part of the coming session.

"A few prefer a Territorial organization, but I think a majority will be in favor of a State government, so as to avoid all further difficulties respecting the question of slavery. This question will probably be submitted, together with the constitution, to a direct vote of the people, in order that the wishes of the people of California may be clearly and fully expressed. Of course, the constitution or plan of a Territorial government formed by this convention can have no legal force till approved by Congress."

On the 12th day of October, General Riley, acting governor, issued the following proclamation:

"*To the People of California.*

"The delegates of the people, assembled in convention, have formed a constitution which is now presented for your ratification. The time and manner of voting on this constitution, and of holding the first general election, are clearly set forth in the schedule. The whole subject is therefore left for your unbiased and deliberate consideration.

"The prefect (or person exercising the functions of that office) of each district will designate the places for opening the polls, and give due notice of the election, in accordance with the provisions of the constitution and schedule.

"The people are now called upon to form a government for themselves, and to designate such officers as they desire to make and execute the laws. That their choice may be wisely made, and that the government so organized may secure the permanent welfare and happiness of the people of the new State, is the sincere and earnest wish of the present executive, who, if the constitution be ratified, will with pleasure surrender his powers to whomsoever the people may designate as his successor.

"Given at Monterey, California, this twelfth day of October, in the year of our Lord eighteen hundred and forty-nine.

"B. RILEY,
"*Brevet Brig. Gen. U. S. A, and Governor of California.*

"Official:
"H. W. HALLECK,
"*Brevet Captain and Secretary of State.*"

These facts and official papers prove conclusively that the proposition to the people of California to hold a convention and organize a State government originated with, and that all the proceedings were had in subordination to, the authority and supremacy of the existing local government of the Territory, under the advice and with the approval of the executive government of the United States. Hence the action of the people of California in forming their constitution and State government, and of Congress in admitting the State into the Union, cannot be cited, with the least show of justice or fairness, in justification or palliation of the revolutionary movements to subvert the government which Congress has established in Kansas.

Nor can the insurgents derive aid or comfort from the position assumed by either party to the unfortunate controversy which arose in the State of Rhode Island a few years ago, when an effort was made to change the organic law, and set up a State government in opposition to the one then in existence, under the charter granted by Charles the Second of England. Those who were engaged in that unsuccessful struggle assumed, as fundamental truths in our system of govern-

ment, that Rhode Island was a sovereign State in all that pertained to her internal affairs; that the right to change their organic law was an essential attribute of sovereignty; that, inasmuch as the charter under which the existing government was organized contained no provision for changing or amending the same, and the people had not delegated that right to the legislature or any other tribunal, it followed, as a matter of course, that they had retained it, and were at liberty to exercise it in such manner as to them should seem wise, just, and proper.

Without deeming it necessary to express any opinion on this occasion in reference to the merits of that controversy, it is evident that the principles upon which it was conducted are not involved in the revolutionary struggle now going on in Kansas; for the reason, that the sovereignty of a Territory remains in abeyance, suspended in the United States, in trust for the people, until they shall be admitted into the Union as a State. In the meantime they are entitled to enjoy and exercise all the privileges and rights of self-government, in subordination to the constitution of the United States, and in obedience to their organic law passed by Congress in pursuance of that instrument. These rights and privileges are all derived from the constitution through the act of Congress, and must be exercised and enjoyed in subjection to all the limitations and restrictions which that constitution imposes. Hence, it is clear that the people of the Territory have no inherent sovereign right under the constitution of the United States to annul the laws and resist the authority of the Territorial government which Congress has established in obedience to the constitution.

In tracing, step by step, the origin and history of these Kansas difficulties, your committee have been profoundly impressed with the significant fact, that each one has resulted from an attempt to violate or circumvent the principles and provisions of the act of Congress for the organization of Kansas and Nebraska. The leading idea and fundamental principle of the Kansas-Nebraska act, as expressed in the law itself, was *to leave the actual settlers and bona fide inhabitants of each Territory "perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."* While this is declared to be "the true intent and meaning of the act," those who were opposed to allowing the people of the Territory, preparatory to their admission into the Union as a State, to decide the slavery question for themselves, failing to accomplish their purpose in the halls of Congress, and under the authority of the constitution, immediately resorted in their respective States to unusual and extraordinary means to control the political destinies and shape the domestic institutions of Kansas, in defiance of the wishes and regardless of the rights of the people of that Territory as guaranteed by their organic law. Combinations in one section of the Union to stimulate an unnatural and false system of emigration, with the view of controlling the elections, and forcing the domestic institutions of the Territory to assimilate to those of the non-slaveholding States, were followed, as might have been foreseen, by the use of similar means, in the slaveholding States, to produce directly the opposite result. To these causes, and to these alone, in the opinion of your committee, may be traced the origin and progress of all the controversies and disturbances with which Kansas is now convulsed.

If these unfortunate troubles have resulted as natural consequences from unauthorized and improper schemes of foreign interference with the internal affairs and domestic concerns of the Territory, it is apparent that the remedy must be sought in a strict adherence to the principles, and rigid enforcement of the provisions, of the organic law. In this connexion your committee feel sincere satisfaction in commending the messages and proclamation of the President of the United States, in which we have the gratifying assurance that the supremacy of the laws will be maintained; that rebellion will be crushed; that insurrection will be suppressed; that aggressive intrusion for the purpose of deciding elections, or any other purpose, will be repelled; that unauthorized intermeddling in the local con-

cerns of the Territory, both from adjoining and distant States, will be prevented; that the federal and local laws will be vindicated against all attempts of organized resistance; and that the people of the Territory will be protected in the establishment of their own institutions, undisturbed by encroachments from without, and in the full enjoyment of the rights of self-government assured to them by the constitution and the organic law.

In view of these assurances, given under the conviction that the existing laws confer all the authority necessary to the performance of these important duties, and that the whole available force of the United States will be exerted to the extent required for their performance, your committee repose in entire confidence that peace, and security, and law will prevail in Kansas. If any further evidence were necessary to prove that all the collisions and difficulties in Kansas have been produced by the schemes of foreign interference which have been developed in this report, in violation of the principles and in evasion of the provisions of the Kansas-Nebraska act, it may be found in the fact that in Nebraska, to which the emigrant aid societies did not extend their operations, and into which the stream of emigration was permitted to flow in its usual and natural channels, nothing has occurred to disturb the peace and harmony of the Territory, while the principle of self-government, in obedience to the constitution, has had fair play, and is quietly working out its legitimate results.

It now only remains for your committee to respond to the two specific recommendations of the President in his special message. They are as follows:

"This, it seems to me, can be best accomplished by providing that, when the inhabitants of Kansas may desire it, and shall be of sufficient numbers to constitute a State, a convention of delegates, duly elected by the qualified voters, shall assemble to frame a constitution, and thus prepare, through regular and lawful means, for its admission into the Union as a State. I respectfully recommend the enactment of a law to that effect.

"I recommend, also, that a special appropriation be made to defray any expense which may become requisite in the execution of the laws or the maintenance of public order in the Territory of Kansas."

In compliance with the first recommendation, your committee ask leave to report a bill authorizing the legislature of the Territory to provide by law for the election of delegates by the people, and the assembling of a convention to form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States, as soon as it shall appear, by a census to be taken under the direction of the governor, by the authority of the legislature, that the Territory contains ninety-three thousand four hundred and twenty inhabitants—that being the number required by the present ratio of representation for a member of Congress.

In compliance with the other recommendation, your committee propose to offer to the appropriation bill an amendment appropriating such sum as shall be found necessary, by the estimates to be obtained, for the purpose indicated in the recommendation of the President.

All of which is respectfully submitted to the Senate by your committee.

SPEECH

OF

JOSIAH RANDALL, ESQ.,

OF PHILADELPHIA,

Delivered at Chambersburg, August 6, 1856, *at the request of the Democratic State Convention, of Pennsylvania.*

In obedience to the request of the Democratic State Convention, of Pennsylvania, I claim the attention of my fellow-citizens for a short time. I am aware that I have received this courtesy because I have heretofore been a member of the Old Line Whig party.

In 1824–5, the Democratic and Whig parties were separated by no principle, but were divided upon the question, whether Gen. Jackson was entitled to be elected President of the United States. In the progress of time, during the thirty years of the existence of the Whig party, several important principles were presented, and the two parties became distinct and independent of each other upon questions of public policy. These were:

1. The renewal of the Charter of the Bank of the United States.
2. The Sub-Treasury.
3. The Distribution of the Proceeds of the Public Lands.
4. The Tariff.

A "National Bank" was abandoned by the Democratic party, under the veto of Gen. Jackson in 1832, and by the Whig party in 1844.

"The Sub-Treasury," the cardinal measure of Mr. Van Buren, was opposed by the Whig party, has fought itself into public favor, and now no one wishes to disturb it.

H. Polkinhorn, Printer, Washington.

"The Distribution of the Proceeds of the Public Lands," has been superceded by the debt created by the Mexican war.

"The Tariff" no longer remains either a political or geographical question. During the last Congress, the "State Rights" men of the South and the Republican Abolitionists of the North, united against Pennsylvania, without distinction of party, to reduce the tariff below its present standard.

I do not include in this category the question of Internal Improvement by the Federal Government, or the Acquisition of New Territory. All parties in the West are in favor of the exercise of the first power; the second was determined by the election of Mr. Polk, in 1844, when a new feature in the Republic was developed, that our people collectively are anxious to increase the public domain in the same manner as individuals are anxious to increase their private property.

If there remains any practical disputable principle, which constituted an issue between the Democratic and the old Whig parties, I do not know it.

The Whig party has performed its duty, and has had its day. It has been prostrated by the organization of the American party, or the KNOW-NOTHING ORDER. They, and not the Old Line Whigs, have been the *executioners*. They have renounced their old *cognomen*, laid aside their old principles, and substituted in their place a new name and a new creed never before recognized by CLAY, WEBSTER, SERGEANT, or their noble compeers.

I know there are many intelligent and patriotic men who cherish the hope that the Whig party can again be resusciated, but the hope is delusive, and it is pernicious, because it deprives the country of a large portion of intellect and worth, which ought to be brought into public service. In the history of our republic, no party broken down has ever yet been re-organized. The fate of the Federal and Anti-Masonic parties establishes this fact. There is not, at this time, a Whig member of the popular branch of Congress elected by a Whig vote. There is not a member of the Legislature of Pennsylvania elected by a Whig vote. There is not a member of the Councils of the City of Philadelphia elected by a Whig vote. For the last two years, with but two exceptions, wherever the scattered members of the Whig party have met in council, they have felt their position, and have, therefore, wisely abstained from forming a ticket to be voted for at the polls. In New Hampshire and Massachusetts they rallied at the polls, and the result was paucity of numbers and total defeat. But what good would be derived from the re-organization and triumph of the old Whig party? They do not want a National Bank. They do not desire the repeal of

the Sub-Treasury. The most ardent friends of the tariff do not ask for the re-establishment of the high tariff of 1828, or even of 1842; but all they ask is, that the tariff shall stand where it was placed in 1846 by the casting vote of the Vice President, Mr. DALLAS. All the old issues have been settled, and, as a natural consequence, new parties have sprung up, and new issues have been formed. The Order of Know-Nothings have violated the letter and spirit of the VI. Article of the Constitution of the United States, which declares that "*no religious test shall ever be required as a qnalification to any office or public trust under the United States.*" They have established secret societies, secret oaths and obligations. With these principles the Whig party, in its days of power and numerical strength, had no sympathy or affiliation, and there is no part of the Union where the Whigs were more inflexible in opposing these political heresies than in the State of Pennsylvania.

In 1845, when the Whig party met in the City of Philadelphia, after the defeat of Mr. CLAY, the duty of opening the meeting and setting forth their principles was committed to me. I held in my hand at that meeting, the charter of Rhode Island, granted to Roger Williams, a Baptist minister, which contains the broadest and most comprehensive declaration of religious LIBERTY AND EQUALITY ever yet penned. I read its eloquent and energetic platform and said, "THIS IS THE DOCTRINE OF THE WHIG PARTY," and pointing to the ruins of the Roman Catholic Church of St. Augustine, burnt during the disgraceful riots of 1844, and which lay within a few yards of the place of meeting, I added, "THERE IS ITS DESECRATION." There is not a nook nor corner in the vast region of our country which does not contain old line Whigs who are willing to stand by the Constitution and the Union. But their numerical strength is far exceeded by their patriotism, talents, and public spirit. This is the body to which I have been attached, and I feel the deepest interest in the course they shall pursue.

The Republican party is SECTIONAL, and its success must, in my judgment, lead to a severance of the Union. I do not believe that the great mass of that party anticipate this result; but if it should be consummated, their regret will be no equivalent for the damning injury thereby inflicted upon this great Republic. I appeal to every old line Whig in the Union to avert this calamity. The South cannot and will not remain in the Union, unless their rights shall be guaranteed to them. If we were in the same situation, we would demand our rights in tones as imperative and mandatory as those which are now used by our Southern brethren.

How is this great evil to be avoided? I answer, by the elec-

tion of Mr. BUCHANAN. Every vote given to him is a check to the progress of the Republican party. I know there are many Whigs who approve of the administration of MILLARD FILLMORE, and are willing to trust him again. Every vote given to Mr. FILLMORE increases the danger of the success of Mr. FREMONT. Every vote given to Mr. BUCHANAN potentially seals the fate of Mr. FREMONT. But MILLARD FILLMORE in 1848, '50, and '52, is not the MILLARD FILLMORE of 1856. When he was elected Vice President in 1848,—when he became the acting President in 1850,—and when he was a candidate for re-nomination by the Whig Convention in Baltimore, in 1852, he professed to be a Whig—nothing more, nothing less. The Native American party at that time was in existence and proclaimed principles in terms far less exceptionable than those now avowed by the Know-Nothing party. But Mr. Fillmore then had neither part nor lot with them, he stood upon the ground occupied by CLAY, WEBSTER and SERGEANT. What is he now? He has been initiated into the Order of Know-Nothings, taken upon himself its secret oaths and obligations, and this at a time when his friends were presenting his claims to be elected President of the United States. He has since become the candidate and accepted the nomination of the American or Know-Nothing National Convention. In a correspondence between the Order of the United Americans of the State of New York and him, under the date of July 25th, 1856, they say:—

"Both from your past official acts, and from the assurances and views expressed by you on many occasions, as having similar sentiments in reference to those subjects, to them of so much seeming importance, the successful establishment of these principles, as the fundamental rules of our Government, they believe essential for its tranquillity, and a continued progress in the development of all its greatness."

Mr. Fillmore in his answer, dated 29th of July, 1856, acquiesces in this statement and replies—

"My position before the country is well known, admitting neither of disguise nor equivocation. I am the candidate of the American party."

Mr. FILLMORE here proclaims himself the American candidate, and adopts the creed, oaths and obligations of that party without "disguise or equivocation." In the Secret Lodge of the Order of Know-Nothings he has sworn that he will neither vote for nor appoint a Roman Catholic to office. If elected and inaugurated President of the United States, he would be compelled to swear that he would require "*no religious test as a qualification to any office or public trust under the United States.*" I ask, under such cir-

cumstances, which oath would he keep, and which oath would he violate? I desire to treat Mr. Fillmore fairly, but all experience tells us, that in such cases, the candidate if elected will preserve his political allegiance and forget his Constitutional injunction. Are the Old Line Whigs prepared to endorse Mr. FILLMORE, thus presented by himself for their suffrages? I know no difference between an individual joining the Order and giving his vote to sustain its candidate, except that the latter course is more effective in carrying out the tenets of this party.

The friends of Mr. Fillmore have assailed Mr. BUCHANAN for his Ostend communication. Without admitting or denying the soundness of the doctrine therein contained, I would remark that the correspondence of Mr. Everett, as Secretary of State under Mr. Fillmore, after the death of Mr. Webster, relative to Cuba, is more offensive, and ought to be more obnoxious to the criticism of conservative men than the Ostend Letter; and it should be remembered that the diplomatic manifesto of Mr. Everett was issued under the immediate supervision of Mr. Fillmore and his Cabinet.

Mr. Everett is probably the best educated statesman now living; he is an erudite scholar and a sound patriot. When in Congress, he took higher ground in favor of the South on the subject of slavery, than any Northern statesman had ever done before, or has ever done since. One thing is certain, any opinion upon International Law promulgated by him, is entitled to respect. Mr. Buchanan has been in public life upwards of forty years, he has filled the highest offices which his own State could confer upon him. He has occupied the first seat in the Cabinet during a most eventful epoch; and he has twice represented his country at the Courts of the two first nations in Europe. His private character stands without blot or blemish and beyond rebuke or reproach; and it is a high eulogium upon his public life, that the "*Ostend Letter*" is the only act which is designated by his opponents as the ground of attack.

On the subject contained in these diplomatic documents, I have not changed my former sentiments. I desire, ardently, the acquisition of Cuba; no child can look at the map without seeing it ought to belong to those who own the Gulf of Mexico; but unless we can honestly obtain it, I would leave it where it is. We have paid for every foot of ground that we have ever acquired, and unless Cuba can be obtained in the same manner that Louisiana, Florida, the recently acquired Territory from Mexico, and Texas, I am utterly opposed to any other mode of bringing it into the Union. The mother country who taunts us with the charge of being

anxious to increase our Territory, is the most insatiate cormorant among the nations of the earth, has never paid for a foot of ground that she ever held, but has always wrested it from the weak and powerless who have been unable to protect their dominions.

There are many Old Line Whigs who are attached to their cognomen, and dislike changing it—this is an overscrupulous nicety. They must change their name—they must recognize the title of an American Know-Nothing, Republican, or a Democrat. If they refuse to elect either of these names, they must retire from all participation in public affairs. Gov. SEWARD is reported to have said in caucus, during the present session of Congress, that he cared nothing for names, but that he looked to principles alone. This remark showed he had a clear head and a sound judgment, and was worthy of a better cause.

I hold that the Territory ceded to us by Mexico was purchased by common treasure. The fifteen Slave States contributed their portion of the fund as well as the *then* fifteen Free States. Territory should stand on the same footing as admitted States, and the right of the people to hold Slaves or not, as they please, in the Territory, ought to be commensurate with the right of the people as they exist in the thirty-one States. There can be no just ground for any discrimination between the two cases. New Territory is surely not more sacred than the old thirteen States, or the present thirty-one States. The will of a majority prevails in the cases last enumerated, and the same orthodox principle should prevail in the newly-acquired Territory.

What is the doctrine of the Wilmot Proviso? It is the sixteen Free States declaring to the fifteen Slave States—you are part owners of this Territory; you have shed your blood and expended your treasure in acquiring it, but you shall have no share in its enjoyment or profits. Strip it of its trappings, and it amounts to this: there are thirty-one stockholders in a corporation, and sixteen say to fifteen, it is true you are part owners and have contributed to the purchase of our common property, but you shall have no share in the enjoyment of its privileges or the receipts of its profits. Such a doctrine is subversive of every principle of justice and equality, and cannot be sustained.

I am not the advocate of opinions that are new to the Whig party of Pennsylvania. At a Whig meeting held in September, 1850, at the Chinese Museum, in Philadelphia, I offered a resolution congratulating the Nation upon the restoration of peace and quietude to the country by the passage of the Compromise Acts of that year. It was unanimously adopted, and I then

laid down the same principles which I am now endeavoring to inculcate.

In November, 1850, the great Union Meeting was held at the same place, over which John Sergeant presided. Among others, I again enforced the same principles. On the 27th of February, 1851, a pure Whig meeting was called to request the repeal of the Act of the Legislature of 1847, which closed the public jails of this Commonwealth against the custody of Fugitive Slaves. At that meeting Samuel Breck, second to no man in the country in intelligence and patriotism, presided. I again promulgated the same doctrines, and they were again endorsed by the Whig party assembled on that occasion.

In 1819–20 when the Missouri Compromise was adopted, the North, without distinction of party, held different sentiments. There is no real discrepance between the two attitudes when rightly understood. In 1820 the South adopted the Missouri Compromise, and never abandoned it until after 1850, when it was abrograted by what is generally understood as the Compromise Acts of Congress of that year. During the discussion of those measures, the South upon the amendment of Mr. Turney, of Tennessee, endeavored to continue that Compromise, by extending it to the Pacific, but the North rejected it. On the other hand, the Free-soil party have never abided by the Compromise of 1820. They opposed in 1821 the admission of Missouri, and in 1825, the admission of Arkansas. They now go back, and proclaim the Wilmot Proviso as their standard, which is a direct abrogation of the Missouri Compromise, and declares all territory whether North or South of 36 degrees 30 minutes, shall be free.

If the South were now willing to prohibit Slavery in the newly-acquired territory, I would rejoice at the declaration; but they are not willing. They assert *their rights*, and I am in favor of an entire and cordial recognition of those rights. If Maryland or any other Slave State should abolish slavery, it would give me unalloyed pleasure; but it does not follow, that I would therefore be in favor of compelling such Slave States against their will to abolish it.

These are some of the reasons why I invoke every Old Line Whig in Pennsylvania to support Mr. Buchanan. The triumph of the Democratic party in Pennsylvania, in October next, would place his election beyond doubt. It would remove the last glimmering hope of the opposition, restore peace and quietude to the country, and for one generation at least, put at rest the present agitation on the question of slavery. The Old Line Whigs of Pennsylvania possess the power to accomplish this great result; the responsibility rests upon them, and I have no doubt but that

the draft which is made upon their patriotism will be promptly accepted, and that the great Keystone State will once more come to the rescue, and do as she has done heretofore, put down all sectional feeling, and at the ballot-box perpetuate the Union, which has so long been the pride and admiration of every friend of civil and religious liberty throughout the world.

IN SENATE. Tuesday, August 6th, 1850.

Admission of California.

Mr. Turney moved to strike out all after the enacting clause, and insert as follows:

"When it shall be made to appear to the President of the United States, by satisfactory evidence, that the people inhabiting the Territory of California, (or so much of said Territory, as is comprised within the limits proposed by this bill as the boundaries of the State of California,) assembled in Convention, have agreed to a line not further South than the parallel of 36° 30′ North latitude, as the Southern boundary of said State, and limited the representation of said State to one Representative until after the next census of the inhabitants of the United States, the said State of California may be admitted into the Union, upon the Proclamation of the President, upon an equal footing with the original States.

"Sec. —. *And be it further enacted*, That the line of 36° 30′ of North latitude, known as the Missouri Compromise line, as defined by the eighth section of an Act, entitled 'An Act to authorize the people of the Missouri Territory to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories,' approved March 6th, 1820, be, and the same is hereby declared to extend to the Pacific Ocean: and the said eighth section, together with the Compromise therein effected, is hereby revived, and declared to be in full force and binding for the future organization of the Territories of the United States, in the same sense and with the same understanding with which it was originally adopted."

The question was stated to be upon the amendment of Mr. Turney, and, being taken by yeas and nays, was rejected by the following vote:

Yeas—Messrs. Atchison, Badger, Barnwell, Bell, Berrien, Butler, Clemens, Davis, of Mississippi, Dawson, Downs, Foote, Houston, Hunter, King, Mangum, Mason, Morton, Pearce, Pratt, Rusk, Sebastian, Soule, Turney, and Yulee—24.

Nays—Messrs. Baldwin, Benton, Bradbury, Bright, Cass, Clarke, Cooper, Davis, of Massachusetts, Dayton, Dickenson, Dodge, of Wisconsin, Dodge, of Iowa, Douglas, Ewing, Felch, Greene, Hale, Hamlin, Jones, Norris, Phelps, Seward, Shields, Smith, Spruance, Sturgeon, Underwood, Upham, Wales, Walker, Whitcomb, and Winthrop—32. *Congressional Globe, 1st Sess. 31st Cong., Vol. 21, Part 2nd, page* 1532.

When this vote was taken Mr. Clay was absent from indisposition, Mr. Webster had been appointed Secretary of State and Mr. Winthrop was substituted in his stead. Both Mr. Clay and Mr. Webster had acted with the majority, and from their known sentiments would, if present, have voted against Mr. Turney's amendment.

1:24

SPEECH OF REV. HENRY SLICER,

Delivered in the General Conference at Indianapolis, 28th May, 1856, on the subject of the proposed change in the Methodist Discipline, making Non-Slaveholding a Test or Condition of Membership in said Church.

I am aware, Mr. President, said Mr. S., that this Conference is not in a state of mind or feeling to listen to any protracted remarks.

The Conference which I have the honor, in part, to represent, is represented here by fifteen delegates, and has a membership of 75,000, white and colored. The peculiar position which we occupy, the weight of the body to which we belong, the largeness of our colored membership, each and all combined, furnish reasons why *we should be fully heard on this vexed and perplexing question.*

Need I say, sir, that we are not pro-slavery? Need I say that we publicly avow our adherence to the authorized standard found in our Discipline? *We are not here to ask for changes. We are not here to promote agitation, but to allay strife, and to stand firmly upon the platform of the Discipline as it is.*

This debate has taken a wide range, and a little of almost everything has been brought into this discussion. We have had "idolatry," "political organizations," polygamy," (indeed, sir, there has appeared a remarkable proclivity of mind in that direction.) We have had the "stiletto in the bosom of free Kansas," and "the skeleton, bloody hand of Slavery shaken over the North, and making an impression upon the whole country, and moving the popular heart until it heaves as the billows of the ocean"—and we have been called upon to rally, for the purpose of "wiping out this foul blot," and removing "this sum of all villainies" from the nation.

The Bible has been quoted from Genesis almost to the Apocalypse, and I despair, Mr. President, of being able to follow the speakers in all their wanderings from the subject under discussion.

I desire, Mr. President, to call the attention of this General Conference to two general propositions:

First, That we have no right to do, under existing circumstances, what is proposed to be done. And secondly, That to do it, would be of most mischievous and destructive tendency. And further I wish to say, that whatever has been done, in this or any other country. heretofore, in regard to the efficient management of this delicate question, has been done not by rash, precipitate, or destructive efforts.

I wish, sir, to enter a short caveat against this proposed measure, and I hope if brethren will not hear for the sake of the white men on our border, they will at least for the love they bear to the colored man, listen to what we may have to say.

Whenever the Church or country manifests a disposition to trifle with organic law, good ground is furnished for suspicion and alarm; and if we are prepared to go against the judgment of the wisest and best men of the Church in all time past—and against the powerful argument read upon this floor to-day—and also against the judgment of the Bishops, who have expressed the opinion that we have not the constitutional vote required to make such a change—we shall do incalculable mischief throughout our whole connection.

Once let the principle be adopted *that a bare majority vote*, can set aside the constitution by riding down its restrictions, and in 1860, our people may bid farewell to the Restrictive Rules, on page 33 of our Discipline, by which even the rights of a minority are guarded from invasion.

The wise men who framed our civil government, and constituted it a government of limited powers, guarded with jealous care the rights of minorities, and of the smaller States, by giving them an equal representation in the United States Senate, so as to make little Delaware equal to the great State of New York in the number of their Senators. And following this example, the fathers of our Church not only placed these restrictions upon the power of the General Conference, but also gave to each Annual Conference, however small, the right to have two delegates upon this floor.

Let a bare majority rule, and we may, in 1860, if that majority shall please, have an "Itinerant General Superintendency." superseded by a Diocesan Episcopacy, and our wide-spread field of labor parceled out into many separate jurisdictions—for we have been told upon the floor of the present General Conference that "we are tired of being bound up, or tied down by constitutional restrictions."

Let a majority suffice to lay aside the restrictions of our Discipline, and when that majority shall find it convenient they may deprive our ministers and members of the right of trial by committee, and an appeal. And by the same process the General Conference may squander the capital and proceeds of the Book Concern upon objects foreign to those for which it was established.

Let a bare majority to-day override the restriction, and virtually make a new term or condition of membership in our church, as is proposed by the Majority Report now before this Conference—thus setting aside the organic law of the Church—and you will shake the confidence of our whole people, and spread consternation and alarm through all our borders. For when our people discover that you have done by indirection, what you were not allowed to do directly, upon the subject of Slavery, they will expect whenever under the pressure of popular clamor produced by any other cause, you may find it convenient to do so, that your Constitution will be torn to shreds and their dearest rights trampled in the dust.

It is alleged in the report, and it has been asserted in this debate, that while the General Rule, "forbids the *buying* and *selling*" of slaves, that it therefore forbids the *hold-*

H. Polkinhorn, Printer, Washington.

ing or ownership of slaves.

It is a wise maxim of civil law, that the law is to be interpreted by the framers of the law, and by the practice under the law immediately succeeding its enactment. This is a fair principle of construction, or method of interpretation—and to show that this principle has been recognised by the highest judicial authority of this country, I beg leave to call the attention of the Conference to Cranch's Reports, vol. 1, page 97. In the case of (Stewart vs. Leaird) Mr. Chief Justice Marshall had tried this cause in the court below—the judgment was affirmed—and Mr. Justice Patterson, in delivering the opinion of the Supreme Court, said:

"To this objection, which is of recent date, it is sufficent to observe that practice and acquiescence under it (the law) for a period of several years, commencing with the organization of the judicial system, afford an irresistible answer, and have indeed fixed the construction. It is a contemporary interpretation of the most forcible nature. This practical exposition is too strong and obstinate to be shaken or controlled. Of course, the question is at rest, and ought not now to be disturbed."

The General Rule of the Discipline on Slavery is to be subjected to this rule of construc, ction—"the practice and acquiescence" under it, when the administration was in the hands of those venerable men who framed the Rule.

The first notice which we have of the General Rule on Slavery is in 1789—(for it will be borne in mind, that it was not one of Mr. Wesley's original Rules.) And when we look at the contemporaneous practice of the fathers, this practice is found to settle the matter unquestionably and undeniably, that the rule on Slavery was not intended to apply to simple slaveholding, but to the buying and selling of slaves.

Even when previously, at the Christmas Conference of 1784, they adopted the Rule (which they found it necessary immediately to suspend,) even then, in a N. B. they said that the Rule of gradual emancipation, which they had then adopted, "should affect the members of our society no farther than as they are consistent with laws of the State in which they reside." Our fathers always advised the use of "wise and prudent means," in dealing with this subject.

I now turn my attention to my friend, Dr. Thompson, and make a short answer to his remarks upon Slavery as it existed in the days of Abraham, and the Hebrews. I should have been better pleased with the Doctor if, after telling us that Abraham had servants, "born in his house and bought with his money," he had not undertaken to prove in the face of the passage, that what was bought with Abraham's money was not property, and that those servants were not slaves.—The reasoning of the Doctor in this case is not such as I had expected from him, knowing as I do his intelligence and learning. He concludes, as I think, illogically, that because, as he says, "when Abraham armed three hundred of his household servants, they were not held as property," and he said that he could convince all that Abraham armed his slaves three hundred strong, and marched them into a hostile territory, and then marched them back." "In the name of common sense," said he, "how could he have found his way back a slaveholder? Suppose he had had slaves such as the southern slaveholders have, could he have done this?"

Now, Mr. President, this reasoning strikes me as being peculiar. If, when Abraham went out to rescue his nephew Lot from the confederate kings, his three hundred slaves found themselves in the midst of "*a hostile territory*," that of itself would furnish a good reason why they should not turn "fugitives" among hostile pagans by forsaking a kind and devotedly pious master. I should conclude that the strong sympathy and affection which existed between "the father of the faithful," "the friend of God," and his armed slaves, which induced the latter to peril their lives in the rescue of their masters' relative, would furnish a much better reason why they did not abscond among *hostile* strangers than the one given by my learned friend.

Again, sir, it has been no uncommon thing for slaves to accompany their masters to the battle-field, and to return from the dangers and toils of war to their quiet and comfortable homes—it was so with our Washington and his slaves, in the first war of Independence, and also with the hero of New Orleans and his slaves in the second war of Independence.

The Dr. next alluded to the Slavery among the Hebrews, and spoke of the prohibition to surrender fugitives. We were not informed, as we should have been, that while the Hebrews were not allowed to enslave Hebrews, they were allowed to make slaves of the heathen—and while the sabbatic (or seventh) year was a year of release to the Hebrew servant, that arrangement did not extend to the pagan slaves. I refer for the law to Leviticus xxv, 44, 45, where you will observe that, while the Hebrew servant is bought for six years, the heathen is called a "bondsman," and a "possession," and an "inheritance."

In regard to the fugitive slave law of the Hebrew, the Dr. has remarked that, "if a fugitive slave came into the country, the commonwealth was pledged to prevent his being recaptured."

I do not perceive the bearing or reference of this matter to the subject before the Conference, but if you will indulge me, I will ask your attention while I read a passage from that great biblical scholar, Moses Stuart, of Massachusetts, whose authority ought to be good on such a question.

I quote from "Bledsoe's Liberty and Slavery," page 155:

"The first inquiry of course is," says this learned divine, "in regard to those very words where does his master live? among the Hebrews, or among foreigners? The language of the passage fully develops this, and answers the question. He has escaped

from his master unto the Hebrews: (the text says *thee*, i. e. Israel:) he shall dwell with thee even among you—in one of thy gates." Of course, then, he is an *immigrant*, and did not dwell *among them*, before his flight. If he had been a Hebrew servant, belonging to a Hebrew, the whole face of the thing would be changed. Restoration, or restitution, if we may judge by the tenor of other property-laws among the Hebrews, would have surely been enjoined. But, be that as it may, the language of the text puts it beyond a doubt that the servant is a *foreigner*, and has fled from a *heathen master*. This entirely changes the complexion of the case. The Hebrews were God's chosen people, and were the only nation on earth which worshipped the only living and true God. In case a slave escaped from them, (the heathen,) and came to the Hebrews, two things were to be taken into consideration, according to the view of the Jewish legislation. The first was that the treatment of slaves among the heathen was far more severe and rigorous than it could lawfully be under the Mosaic law. The heathen master possessed the power of life and death, of scourging and imprisoning, or putting to excessive toil, even to any extent that he pleased. Not so among the Hebrews. Humanity pleaded there for the protection of the fugitive. The second and most important consideration was, that only among the Hebrews could the fugitive slave come to the knowledge and worship of the only living and true God."

And I need only add, Mr. President, that it is not very likely that there existed between the Hebrews and the heathen nations surrounding them, any solemn engagements, such as "constitutional obligations," to deliver up "fugitives from labor."

I regret that Dr. T. has thought proper, in allusion to the case of Onesimus, the fugitive slave of Philemon, converted at Rome by the ministry of St. Paul, to make such exceptionable reference to the authorities of the Government of the United States. He asks "Do you believe that Onesimus was a slave? If so, how did the Apostle get him back? If Paul had been a United States District Judge, with Marshals at his back, and secret service money at his command, he might get him back.

I do not presume to enter into the discussion of the meaning of the Greek term (*Doulos*,) which has so much occupied the Drs. of Divinity, Professors in Colleges, and the church papers of late. I will only say, that, as far as I know, the concurrent testimony of Commentators and Lexicographers, from McKnight, Donnegan, and Dr. Robinson down, has interpreted it to mean a *bondsman*, the opposite of *freeman*. There never was, so far as I know, an effort to construe it otherwise, until it was necessary to serve a purpose. You were told by my learned friend that Onesimus was a "runaway apprentice." The same kind of interpretation might construe the language of St. Paul, in Gal. iv 22. "For it is written, that Abraham had two sons, the one by a bondmaid, the other by a free woman." Thus, according to such a rendering, "Abraham had two sons, the one by a free woman, the other by a hired girl." St. Peter has said that "the *unlearned* and unstable *wrest the Scriptures;*" but it was reserved for modern times to present the learned D. D.'s wresting plain Scriptures, the meaning of which the common sense of mankind had settled centuries ago. But, sir, a truce to this reference to the Scriptures, which I should not have made, but for the purpose of following those who went before me in this debate.

A great deal, Mr. President, has been said here which, if reported upon our border, must do incalculable mischief. We have had such predictions of evil—such an arraignment of Bishop Asbury and the Fathers—such representations of Slavery—making it out to be worse than Idolatry, Polygamy, or any of the blackest crimes known among Jews, Mohamedans, or Pagans—comparing slaveholders to thieves, &c.—that these things must make difficulty among our people, especially on the border, and weaken the hands of those who have firmly stood by the interests of the Methodist Episcopal Church, and this opinion will be corroborated by each and all of my colleagues on this floor

My friend, Dr. Hodgson, read from Dr. Elliott's work in regard to the Wesleyan missionaries in the British West Indies. I propose, Mr. President, to call further attention to the same subject, that this Conference may see what line of policy was pursued by the Wesleyan missionaries, under the instruction and direction of Richard Watson, and the wisest and best men in the Wesleyan connection. I hold in my hand the London Missionary Report of 1834, and I read from pages 12 and 13, to show how earnestly our brethren there pursued the great object of their mission, the salvation of the slaves and their masters, and how studiously they avoided everything which might, by possibility, embarrass them in their work, and hinder the accomplishment of their heaven-inspired purposes. I read from Instruction No. 6, as follows:

"*As, in the Colonies in which you are called to labor, a great proportion of the inhabitants are in a state of Slavery, the committee most strongly call to your recollection what was so fully stated to you, when you were accepted as a Missionary to the West Indies, that your only business is to promote the moral and religious improvement of the slaves, to whom you may have access, without, in the least degree, in public or private, interfering with their civil condition. On all persons in the state of slaves, you are diligently and explicitly to enforce the same exhortations which the Apostles of our Lord administered to the slaves of ancient nations, where, by their ministry, they embraced christianity: Ephesians 6th chapter, 5th and 8th verses, "Servants be obedient to them that are your masters according to the flesh," Coloss. 3d chapt. 22d and 25th verses, "Servants, obey in all things your masters according to the flesh, &c.*"

Mr. Watson calls the persons addressed "Slaves of ancient nations." I suppose

that *his* scholarship will hardly be questioned by the learned doctors who have been laboring over the word *Doules*, (for the last twelve months,) in the connection of that word with the controversy on domestic Slavery.

Instruction 9 is in the words following:

"*The Committee caution you against engaging in any of the civil disputes or local politics of the Colony to which you may be appointed, either verbally, or by correspondence with any person at home, or in the Colonies. The whole period of your temporary residence in the West Indies is to be filled up with the proper work of your mission—to be intent upon the solemn work of your office, and upon that eternal state, in the views of which the Committee trust you will ever think and act.*"

And to show how earnest those wise men were in carrying out the policy they had adopted, I quote a part of Instruction 11, in words following:

"*The instructions under this and under the former heads, are to be read over annually at the meeting of every District Committee by the chairman; who is to enquire whether they have been observed on the part of the brethren; and the answer shall be reported in the District Minutes regularly and with them transmitted to the Committee in London. Every Superintendent is not only charged with the observance of them himself, but is responsible, as far as may be, for their observance by the brethren under his direction, or for an immediate report to the District, or to the Managing Committee in London, in any case in which they may have been violated.*"

This was the method taken by the immediate successors of Mr. Wesley, in the management of this delicate subject. They did not interfere with the "civil condition of the slave," but, following the example of our Lord and his Apostles, they preached the Gospel to masters and slaves — they sowed broadcast the seed of life—"hid the leaven" of truth in the mass of humanity—inaugurated a process of christian civilization, preparatory to the accomplishment of West India emancipation, which was consummated some 70 years after the introduction of Methodism into the Island.

The Act of Emancipation was passed by the British Parliament, and in the fact of the indemnity to the owners, in the sum of one hundred millions of dollars, was entirely unlike anything proposed by those who agitate the subject of immediate emancipation in this country.

And then it is further to be considered that the parties passing the Emancipation Act had between them, and the Islands having slavery, the waters of the broad Atlantic—they were not in immediate contact with three millions of colored population, are as the people of the Southern States of this Union.

What good, I ask, either to master or slave, is to be effected by the adoption of the measure before the Conference? Have we any power to pass Emancipation Acts? Have we millions to indemnify owners?—Congress itself has not the power to liberate a single slave. Has not the highest judicatory of the land decided that Slavery is a State institution? The measure before us speaks of "mercenary slaveholding"— cannot this Conference perceive that, in an attempt to make non-slaveholding a test of Church membership, the effect would be to induce the mercenary slaveholder to put the price of the slaves in his pocket, and, by that act, tear asunder the ties of husband and wife, parents and children — there might be *a change of owners*—but such a measure would break no man's chains, and lighten no man's burden—the effect would be evil, and only evil, and that continually. Slavery does not depend upon your action. It is interwoven with civil society, and no action of the Church can affect it in the least, except that which is enjoined by Christ and his Apostles. We have heard a great deal about the law of love. If any one will put his finger on a single passage in the New Testament which teaches in words that the relation of master and slave is a sinful relation, we would like to see it. Mark, I do not say Christianity advocated Slavery, nor do I say Christianity tolerated it, nor did it seek to overthrow it except by the wise and prudent measures ordained by Christ and his Apostles. The Apostles went everywhere throughout the Roman Empire, and sowed broadcast the seeds of truth, expecting that it would spring up, and bring forth fruit. They did not attack the laws, nor seek to overthrow the civil institutions of the Empire. The New Testament contains no particular form of Government. It has left it with the people to enact such a form as they may judge most expedient. Thank God, Christianity flourishes under any Government under which she is allowed to open her mission, whether it be a Despotism, Republicanism, or a pure Democracy. Wherever she has leave to open her mission she goes forth, preaching liberty in the highest sense to the captives, and the opening of the prison doors to those that are bound. Christianity sought not to counteract or undermine, or sap the foundations of the Government, but conformed to the laws of the land. Our blessed Saviour himself was so scrupulous and careful that when he was asked about the tribute money, whether it was lawful to give tribute to Cæsar, he would not answer. He saw the craft of his enemies. Should he answer one way he would be embroiled with the Jews, should he answer another way, he would array himself against the Government. "Show me," said he, "a penny. Whose image and superscription is this?" They answered, "Cæsar's." Render, therefor," said he, "unto Cæsar the things that are Cæsar's, and unto God the things that are God's." It is well known that the superscription of the king was put upon the coin of the country, and hence the answer.

Christianity is not an apologist for Slavery, and while it publishes no toleration of Slavery, neither does it seek *directly to attack it* —but in its progress it seeks to counter-work every species of evil. It went forth with one single aim, proclaiming "repentance towards God, and faith in our Lord Jesus Christ;" and what was the effect? Why,

the fact is that in the Roman Empire, in the course of seven hundred years, the power of slavery was broken, and after the lapse of one thousand years, it ceased throughout the Empire. We have been told by Dr. Thompson that "slavery has been in this country three hundred years, and the horrid system has been growing worse and worse." I do not think the Pilgrim fathers brought any slaves to Plymouth rock, and it has not been quite two hundred and fifty years since they landed there. Things are growing worse and worse, are they? Well, we will take a look at this matter. A reference to figures will show that the reverse is the fact, the converse of what Dr. Thompson stated is true

Dr. Thomson rose here and remarked that his statement referred to the increase of the slave power.

Mr. S. replied—The history of the country will show that he is wrong.

Dr. T. What do you mean by country?

Mr. S. I mean the United States, of course. We have had vivid pictures drawn here representing "the slave power as having its foot upon the neck of freedom and shaking its bloody skeleton hand, threatening to overrun all the States of the Union."

[True! true! here was uttered by several voices.]

Well, we shall see whether it is true or not. I, said Mr. S., do not believe one word of it. But to the facts. In 1789, twelve-thirteenths of all the States had slaves in their borders. If any of you dispute this fact I should like to hear from you. When the controversy came up in relation to the prospective extinction of the slave trade, limiting it to 1808 through a period of twenty consecutive years, Virginia, Delaware, Pennsylvania and New Jersey, voted to terminate the slave trade in 1800, but Connecticut, Massachusetts, and New Hampshire voted with Georgia and South Carolina, and carried the question of the extension of the slave trade to 1808. (Here a voice said, "It was cotton did it.") I guess, replied Mr. S., that you had not got the spinning jennnies to work so early as that. I do not blame New England for voting with Georgia and South Carolina in the matter: *they believed* that the formation "of a more perfect union" to provide for the common defence and promote the general welfare," "and to secure the blessings of liberty to ourselves and our posterity," greatly to be desired. If the States of New England had not met the other States in a spirit of compromise, but had held off, the union could not have been formed. I do not blame her. And I hope that the brother who is so sensitive whenever I refer to New England, will not be disturbed by this statement of the truth, as I am not in any respect answerable for facts of history.

I repeat that twelve-thirteenths of the States held slaves at the adoption of the Federal Constitution.

If reference is had to the debates in the first Congress in 1790, it will be found that upon the presentation of a petition from Benjamin Franklin and others, and also one from the Friends of Pennsylvania, in relation to the abolition to the slave trade—the answer early given was that Congress had no power to grant the prayer of the petitioners earlier than 1808, and that all that could be done was to embarrass the trade by a *per capita* tax of $10 on all future importations of slaves.

How do the figures stand in 1790, the year after the Constitution was adopted. By reference to statistics of population of that time, as compared with the statistics of 1850, it will be seen that our friends are not likely to be overwhelmed, and swallowed up with slavery. I will quote the figures as found in "Colton's Atlas of the World;" from this it will be seen that, instead of freedom going backward, six States have become free of the original thirteen, and that in addition, we have the great free States formed from the Northwest Territory out of the soil ceded by Virginia, and the immense Territory on the Pacific.

But how stands the population, the free as compared to the slave, at the two periods named?

Population of the United States in 1790—whites, 3,172,464; free colored, 59,446; slaves, 697,897; or about five whites to one slave, and one free colored to eleven slaves.

In 1850—whites, 19,558,068; free colored, 434,495; slaves, 3,204,313; or about six whites to one slave, and seven slaves to one free colored.

Here you see that free colored people have increased (by emancipation and otherwise) to near half a million, while the disproportion of slaves to the white and free colored population is greatly increased since 1790.

Emancipation has progressed from New England to the line of Delaware, where the slave population is sparse, and slavery exists in its mildest form. The States where emancipation has been effected, did it themselves, without the aid of mischievous intermeddlers who had no jurisdiction over the subject. And but for the rashness and inconsiderate zeal of outside agitators, the progress of emancipation would have been much greater than it has been for the last thirty years.

From the inauguration of *associated abolition action*, at Boston, in 1832, to this hour, but little or less than nothing has been done—the motion has been retrograde—this is true in regard to Kentucky, Maryland, and Virginia. In each of those States, before the period named, the tendency among statesmen and christians was fully and freely to discuss the subject of emancipation, and to indulge hopes of its early accomplishment; but it at length became the fashion to circulate inflammatory publications and exciting pictures through the mails, and to deal in denunciations against Slavery, and even to pronounce the Constitution framed by the wisdom of our fathers to be "a refuge of lies—an agreement with hell, and a covenant with death." The public mind of the slave States became inflamed; and although Kentucky's favorite son put him-

self at the head of the emancipation movement in 1849, in that State, yet his name, though "a tower of strength," was scarcely sufficient to prevent the defeat of a single emancipation candidate for the Convention; and whoever will be at the pains to consult the present laws of Kentucky, will perceive that the whole subject is in a worse condition there than it was a quarter of a century ago. I refer to the Revised Statutes of Kentucky, 1852, page 643 to 648.

Slavery is not, however, destined to be perpetual in this country; a great deal has been done for the colored people of the United States, by the mild, subduing power of the gospel—and he thanked God that he looked forward to the day when freedom should be universal, and christianity will have worked out her legitimate results, and the clank of the last chain shall be heard, and the last groan of oppressed humanity die away. But rashness, denunciation, and violence will accomplish nothing towards bringing about this great consummation.

I will now attend for a moment to those who have rung the changes on the word "extirpation." One of the speakers had treated lightly the Pastoral Address of the General Conference of 1836, in sneering at the manner in which our Church has extirpated Slavery. I am willing to endorse the Pastoral Address—and will read its language from Banks' History of the Methodist Episcopal Church, page 250, vol. 4th—I read as follows from the Pastoral Address of the General Conference, held at Cincinnati in 1836.

"It cannot be unknown to you that the question of slavery in these United States, by the constitutional compact which binds us together as a nation, is left to be regulated by the several State Legislatures themselves, and thereby is put beyond the control of the General Government, as well as that of all ecclesiastical bodies; it being manifest that in the slaveholding States themselves the entire responsibility of its existence, or non-existence, rest with those State Legislatures. Those facts, which are only mentioned here as a reason for the friendly advice which we wish to give you, constrain us as your pastors, who are called to watch over your souls, as those who must give an account, to exhort you to abstain from all abolition movements and associations, and to refrain from patronizing any of their publications, and especially from those of that inflammatory character which denounce, in unmeasured terms, those of their brethren who take the liberty to differ from them. Those of you who may have honest scruples as to the lawfulness of slavery, considered as an abstract principle of moral right and wrong, if you must speak your sentiments, would do much better to express yourselves in those terms of respect and affection which evince a sincere sympathy for those of your brethren who are necessarily, and in some instances reluctantly, associated with slavery in the States where it exists, than to indulge in harsh censures and denunciations, and in those fruitless efforts which, instead of lightening the burden of the slave, only tend to make his condition the more irksome, and distressing.

"From every view of the subject which we have been able to take, and from the most calm and dispassionate survey of the whole ground, we have come to the solemn conviction that the only safe, scriptural, and prudent way for us, both as ministers and people, to take, is wholly to refrain from this agitating subject, which is now covulsing the country, and consequently the church, from end to end, by calling forth inflammatory speeches, papers and pamphlets.

"While we cheerfully accord to all such all the sincerity they ask for their belief and motives, we cannot but disapprove of their measures, as alike destructive to the peace of the church and to the happiness of the slave himself."

I believe, said Mr. S., that the Pastoral Address is as wise and wholesome in its advice now as in 1836.

That is the doctrine, that Slavery is a State Institution. The Church cannot abolish it, the Congress of the United States cannot free a single slave. Nothing has pained me so much during these debates as the attack on the Fathers of the Church, most of whom were in their graves before those who now arraign their motives and policy were born. Bishop Asbury travelled through summers heat and winters cold, from Maine to Georgia, not as we do in the rail car at the rate of thirty miles an hour, but on horseback, through the paths of the wilderness, from the mountains to the rice plantations of the South. Our learned professors, and presidents of Colleges, shut up in their cloisters, undertake to tell us that they have just as many facilities for forming a sound practical judgment in regard to this perplexing question, as Mr. Asbury had, when he studied the practical workings of the Church in the cane brakes and rice fields. He (Mr. Asbury) was a brave man. He came and stood by our fathers in the storms of the revolutionary war, and while others afrighted fled, he stood at his post of danger and duty. He traversed the country, and witnessed the conversion of thousands to God, both free and slaves; and just forty years ago, in 1816, he sank quietly into his grave, in King George's country, Virginia.

"Like some broad river widening towards the sea,
Calm and grandly life joined eternity."

Thus, full of years, worn down with toil, the aged veteran of the cross laid him down to rest, and the tears of thousands, white and black, bedewed his grave.

Are we to be told by young men, that this apostle of Methodism "would weep if he were here and witnessed the effects of his policy"—the church, involved as she is, and always has been with slavery? *Our fathers had grace enough to go back, when they took a wrong step.* It is reported of Bishop Mc Kendree that in administering comfort to an aged brother, who felt that he was pushed aside by some young brilliant preacher, said, "the young men are more eloquent, they

ean out preach us and out-vote us, but it is a great thing to have grace to retire with grace." When our fathers found that the provisions of the Christmas Conferenee could not be earried out, they suspended those provisions for six months, and afterwards indefinitely.

Have I dreamed it, Mr. President? Is it so, that I stand here to defend these worthy men and their poliey? If Bishop Asbury, Dr. Coke, Freeborn Garretson, Joshua Wells, Rozal and Piekering, must have their acts and policy called in question, let it be dono by gray hairs, and not by young men who had not gotten out of their nurses arms when Bishop Asbury went to his reward. This aggressive spirit has no respect for age or experienee.

The time was when Bishop Asbury could come down from the chair and offer a motion, and advocate it, too. We have, sir, a modcrate Episcopacy. It is, I think, getting quite moderate, and more so every year. The Bishops now cannot even make a modest suggestion that the General Conference had not a constitutional right to make a new test of membership, but they must be beard-ed and charged with "pre-judging the question." And we not only hear of a disposition to over-ride the eonstitution, but we hear talk of "dissolving Conferences, such as the Missouri, Arkansas, and Kentucky," because, forsooth, it costs money to sustain these Conferences. We have yet to learn that the souls of men are to be estimated by dollars and eents. It is alleged that they have had but a small inerease. If you will look at the general minutes you will find that two Conferences north of Mason's and Dixon's line, on a basis of 31,000 members, show a less increase of members than these poor Conferences do upon a basis of only 10,000 members. The Baltimore alone contributes annually to the Missionary Society near $30,000, while there is allowed her for domestic missions the pitiful sum of $2,250.

We who are on the border are a very unfortunate class of persons—not acceptable to extremists on either hand. On the one hand we are held to be Abolitionists, and on the other eharged with being pro-slavery. We stand, sir, where our fathers stood, upon the platform of the Constitution and the Diseipline, and we think we are right, exaetly right.

I once advised an arbitration between two chureh members to settle a eontroversy about property. The arbitration was eonducted as the Diseipline direets, and when the award was rendered it displeased *both parties*. I informed them that I was fully satisfied that the arbitrators had done exact justice; inasmuch as neither of them liked the award, I should see that they complied, or were exeluded from the Chureh, aeeording to the provisions of the Discipline. They did eomply and there was an end to the eontroversy.

This is just our case, we cannot please the extremeists of the South, and we eannot please our brethren East, North, and N. West.

In this condition if we should be driven to the wall, the injury and wrong must be upon those who have foreed it upon us.

If our brethren will let us alone, and they want some outlet for their philanthropy, *I would respectfully suggest to them to correct the social evils at thoir own doors; this they can do legitimately, without disturbing the peace of the Church, or putting at hazard the integrity of the Union.*

I know, Mr. President, that human nature is a "busy institution," and our brethren who will be doing something had better turn their attention to ameliorate the condition of the free eolored population, and to the aboliti'n of the Blaek Laws upon the statute books of the free States.

I wonder, sir, how much interest our Ohio brethren take in wiping from the statute books of that State, the disgraceful statutes in relation to free blacks, whieh have only been expunged, as it were, yesterday.

And I should like to class lead our zealous Indiana brethren, to ascertain how many of them voted for the exclusion of colored free men from that State, when the clause of exelusion in the constitution received a majority of over 100,000 votes.

Here Dr. McClintock asked Mr. S. if he meant that the abolition of the black laws was to be effected by the Conference?

By no means, said Mr. S., that is not the place; I mean at the ballot-box, in their capacity as citizens. Conferences have nothing to do with State laws, and I have only named the matter here in order to show our aggressive brethren that they have work enough at home if they will do it, without troubling us about an evil which we have no power to eorrect.

He was not done yet. He would ask his brethren from Vermont what they had done with their laws for whipping strangers who would return to the State after being ordered out by the overseers of the poor.

Here a brother from Vermont said he did not know of any such law.

Mr. S. replied, you may not know of it, and I hope it has been abolished, but it was on the statute in 1808—laws of Vermont, 1808, vol. 1, page 384 and 402.

Mr. S. said—instead of exercising so much viearious repentence about other men's sins within the slave States, he would exhort brethren to exercise patience and faith in those who have the management of our Chureh interest there. He was afraid sometimes that these brethren did not think any of us a bit better than we ought to be. If they think, however, that they can manage better than we have done, (and will satisfy the Bishops of that,) I hope they will be allowed to put their poliey in operation on the border, by reeeiving transfers to our places.

Men, Mr. President, who find fault with the poliey of Mr. Asbury and his successors, in the management of the question of Slavery, ought to know that, shut up within the walls of a college, or plaeed hundreds of miles from the localities of "the great evil," *they have no more chance to form a sound practical judgment about the wise management of the*

question than Mr. Asbury would have had to learn "experimental Chemistry" in the field of a cotton farm, or a rice plantation.

The great success of Methodism in the United States, which is without a parallel on the face of the earth, is demonstrative of the wisdom of our conservative policy—rapidly as our population has increased in this God-favored land, our Church in this whole country (including the North and South) has increased more rapidly than the population. I have a table prepared with great care by an intelligent gentleman of our Church, which, for want of time, I will not detain the Conferenee by reading it. It shows an average increase of population by decades, from 1790 to 1850, of 34.44 cents per cent. And an average increase of Methodism, from 1790 to 1851, of 69.42 cents per cent., being more than double—this includes simply the members of the Church North, South, East, and West, and not the millions of those who attend the ministry of our Church, but are not members.

Now, sir, shall we forsake our policy, which has demonstrated its utility and wisdom, and listen to adventurers, and enter upon the trial of questionable plans, and adopt the theories of visionaries? I hope not, sir; if we should, we may present an example of the case of the man, whose epitaph was in these words: "*I was well, would be better, took physic, and here I lie.*" We have heard in this debate, that the patient is sick, and the brethren insist on being allowed "to do something, if it is *ever so little*"—just "something to show they have made *progress*, even a step." "PROGRESS," that is the word. We do not believe, sir, that the Methodist Episcopal Church is "a sick man;" we cannot consent to have our ecclesiastical Doctors try their hands in giving either Allopathic or Homeopathic doses to this healthy and athletic giant, nor can we consent that our Sampson shall be shorn of his strength, by having abolition withes bound upon his limbs.

We have had in this country an illustration of the effect of attempting to benefit the colored people, free and slaves, by making non-slaveholding a test of church membership in the case of that exemplary people known as "The Friends," or Quakers. In 1766, some of them had purchased imported slaves, and despite the efforts of the society, there were some who held slaves in Pennsylvania and New Jersey, as late as 1776 to 1781. I quote from a publication of theirs made in Philadelphia in 1843, called, "*A brief statement of the rise and progress of the testimony of the* RELIGIOUS SOCIETY OF FRIENDS *against Slavery and the slave trade.*" Pages 21, 24, 29, 31, 34, 35.

They had been early in the slave States, as early as 1696, more than fifty years before a single Methodist came to these shores, even before Mr. Wesley was born: but putting themselves upon the ultra platform now sought to be introduced here, they have melted away in the slave States as snow before the midday sun. It will be said, I know that their want of success has been owing to other causes, mainly: unsoundness in doctrine, &c. We have yet to learn that Barckley, Penn, and the 'orthodox Friends,' are less sound in doctrine than we are, and that they are persons of great excellence of character, all fully admit. But what have they done for either the slaves or free colored population of the United States?

We have heard of "outside pressure," and we are told that "the sentiment of the church is not up to the public sentiment of the country." I doubt not, sir, that there are many in the country, who would like to push our church forward to rash and injurious measures knowing that they would find their own advantage in placing our church in a false position. Our course is that of the Apostles, and Fathers of our church, and we cannot come down to meet the demands of the "outside pressure."

If it were possible to pass the measure now before us—you might make a "*sectional church*,"—you might *chafe and weaken the bonds of the Union*, but no good could be achieved for the master or the slave, and no advanee step taken for emancipation.

I have been looking into the General Minutes, sir, to see what influence the Conferences have in the free States over the colored population of the country, and to my surprise I find that in all those Conferences they have less than 900 colored members in the Church, while the Conferences having slave territory, in whole or in part, have an aggregate of 29,000 colored members, in addition to 172,000 colored members in the church South. Where have all the free colored people strayed to? Have they lost confidence in the "progressive" brethren?

I once heard the Rev. Joseph Cartwright, (a talented and excellent colored preacher,) say that he had always found that those colored congregations that were under the charge of a white elder, were better instructed, and more regular and exemplary, than those otherwise provided for.

Our brethren may possibly have an account to settle in this quarter, which may not be so easy of adjustment.

In conelusion, Mr. President, who asks for this change of Discipline? Who of our 790,000 church members asked it? Have one in ten or one in fifty asked for it? How many have petitioned this General Conferenee? I thought the committee on Slavery were to report the number, but they have not. Upon examination it will be found that the Conferences whose delegates ask a change, even if they all were to speak, (which they do not, even one in ten,) they are a minority of more than 40,000, as compared with the Conferences whose delegates ask for no change.

The people which he in part represented ask for no change—all they ask is peace and quiet, and to be let alone. They have and love the Discipline, and in the sight and fear of God, they will do the best they can to fulfil, for the bond and free, the great mission of Methodism, "to spread Scriptural holiness all over these lands."

Mr. Slicer closed, thanking the Conferenee profoundly for the patience with which they had listened to his remarks.

THE MASSACHUSETTS RESOLUTIONS ON THE SUMNER ASSAULT, AND THE SLAVERY ISSUE.

SPEECHES OF SENATORS

Andrew Pickens 1796-1857.

BUTLER, EVANS, AND HUNTER,

DELIVERED

IN THE SENATE OF THE UNITED STATES.

June 12, 1856.

Hon. A. P. BUTLER addressed the Senate as follows:

Mr. President: The occasion and the subject upon which I am about to address the Senate of the United States, at this time, have been brought about by events over which I have had no control, and could have had none—events which have grown out of the commencement of a controversy for which the Senator from Massachusetts (not now in his seat) [Mr. SUMNER] should be held exclusively responsible to his country and his God. He has delivered a speech the most extraordinary that has ever had utterance in any deliberative body recognizing the sanctions of law and decency. When it was delivered I was not here; and if I had been present, what I should have done it would be perfectly idle for me now to say; because no one can substitute the deliberations of a subsequent period for such as might have influenced him at another time and under different circumstances. My impression now is that, if I had been present, I should have asked the Senator, before he finished some of the paragraphs personally applicable to myself, to pause; and if he had gone on, I would have demanded of him, the next morning, that he should review that speech, and retract or modify it, so as to bring it within the sphere of parliamentary propriety. If he had refused this, what I would have done I cannot say; yet I can say that I would not have submitted to it. But what mode of redress I should have resorted to, I cannot tell.

I wish I had been here. I would have at least assumed, as I ought to have done on my responsibility as a Senator, and on my responsibility as a representative of South Carolina, all the consequences, let them lead where they might; but instead of that, the speech has involved his own friends, and his own colleague. It has involved my friends. It has involved one of them to such an extent that, at this time, he has been obliged to put his fortune and his life at stake. And, sir, if the consequences which are likely to flow from that speech hereafter shall end in blood and violence, that Senator should be prepared to repent in sackcloth and ashes.

Now, I pronounce a judgment on that speech which will be adopted by the public. I am as certain as I am speaking that it is now condemned by the public mind, and by posterity it will be consigned to infamy, for the mischievous consequences which have flowed from it already, and such as are likely yet to disturb the peace and repose of the country.

I said nothing, Mr. President, at any period of my life—much less did I say anything in the course of the debate to which the Senator from Massachusetts purports to have made a reply—that could have called for, much less have justified, the gross personal abuse, traduction, and calumny, to which he has resorted.

When I was at my little farm, enjoying myself quietly, and as I thought had taken refuge from the strifes and contentions of the Senate, and of politics, a message was brought to me that my kinsman had been involved in a difficulty on my account. It was so vague that I did not know how to account for it. I was far from any telegraphic communication. I did not wait five minutes before I left home to put myself within the reach of such information—and garbled even that was—as was accessible. I traveled four days continuously to Washington; and when I arrived I found the very subject under discussion which had given me so much anxiety; and it has been a source of the deepest concern to my feelings ever since I heard of it, on many accounts—on account of my country, and on account of the honor and the safety of my kinsman. When I arrived here, I found the subject under discussion. I went to the Senate worn down by travel; and I then gave notice that, when the resolutions from Massachusetts should be presented, I would speak to them, as coming from a Commonwealth whose history, and whose lessons of history, had inspired me with the very highest admiration — I would speak to them from a respect to a Com-

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monwealth, whilst, perhaps, the Senator who had been the cause of their introduction ought not to deserve my notice, and would not have received it.

Well, sir, days passed, and those resolutions were not presented. Now, they have been presented, and presented in a different way from any that I have ever known to be submitted from any Commonwealth before. They were not presented by one of its Senators, but were sent directly to the President of the Senate, and the Speaker of the House of Representatives. I waited for some time with the expectation that, when these resolutions should come, I would acquit myself of the painful task which circumstances had devolved upon me. They did not come until yesterday—more than two weeks after their adoption.

In the mean time — on Monday last — I gave notice that I would address the Senate to-day, under the confident belief, not that the present Senator [Mr. WILSON] would be here—because I have nothing to do with him—but that the Senator who has been the aggressor, the criminal aggressor, in this matter, would be present; and if I give credence to the testimony of Dr. Boyle, I see no reason why he should not be present. For anything that appears in that testimony, if he had been an officer of the Army, and had not appeared the next day on the battle-field, he would have deserved to be cashiered.

In proceeding with his preliminary remarks, he expresses his surprise that the Senator from Massachusetts should have aimed his assaults at him [Mr. BUTLER] individually and at South Carolina, and continues:

Now, sir, I proceed to make my points; and I shall show that what the Senator said of myself, and South Carolina, was not in response to anything which I said; that he has gone outside the record to bring into the debate matters which did not legitimately belong to it by association or connection.

I will maintain these three propositions so certainly that, in my opinion, there will not be one mind here, unless it be disposed to morally perjure itself, which will not acquiesce in them. I will show that his remarks upon me and South Carolina were untrue and unjust; the language used was licentious; the spirit which prompted it was aggressive; and the whole tenor and tone of the speech was malignant and insulting.

In no speech which I have made during this session did I name Massachusetts or South Carolina. This is a most remarkable thing considering the nature of the debate. I have culled what I said, and I have not introduced South Carolina by name into the debate, nor have I brought in Massachusetts. Yet, sir, this Senator alludes to me in two paragraphs. I should like to know why he did not finish my picture in one sketch on the first day, when he spoke of me as being "Don Quixote in love with slavery as a mistress, because she was a harlot." I dislike to repeat the obscenity of his illustration. When he had me under review then, why did he not finish me in that general sketch? He took another night; and during that night the chaotic conceptions either emanated from his own mind or were suggested to it by those busy people who seem to have control over him; and then it was that he made this celebrated attack on me, assailing my reputation as a gentleman of veracity:

"With regret, I come again upon the Senator from South Carolina, [Mr. BUTLER,] who, omnipresent in this debate, overflowed with rage at the simple suggestion that Kansas had applied for admission as a State; and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representative, and then upon her people. There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from the truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the Constitution or in stating the law, whether in the details of statistics or the diversions of scholarship. He cannot ope his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he referred to this household character, while acting as agent of our fathers in England, as above suspicion; and this was done that he might give point to a false contrast with the agent of Kansas—not knowing that, however they may differ in genius and fame, in this experience they are alike: that Franklin, when intrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defense, and denounced as a 'thief,' even as the agent of Kansas has been assaulted on this floor, and denounced as a 'forger.' And let not the vanity of the Senator be inspired by the parallel with the British statesmen of that day; for it is only in hostility to freedom that any parallel can be recognized.

"But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming, as he announces, 'from a State'—ay, sir, from South Carolina—he turns with lordly disgust from this newly-formed community, which he will not recognize even as 'a body-politic.' Pray, sir, by what title does he indulge in this egotism? Has he read the history of 'the State' which he represents? He cannot surely have forgotten its shameful imbecility from Slavery, confessed throughout the Revolution, followed by its more shameful assumptions for Slavery since. He cannot have forgotten its wretched persistence in the slave trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its Constitution, which is republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on 'a settled freehold estate and ten negroes.' And yet the Senator, to whom that 'State' has in part committed the guardianship of its good name, instead of moving, with backward treading steps, to cover its nakedness, rushes forward, in the very ecstasy of madness, to expose it by provoking a comparison with Kansas!"

He charges the Senator from Massachusetts with garbling, misquoting, and misconstruing the constitution of South Carolina; defends the State and her revolutionary history from the aspersions of Mr. SUMNER, and proceeds:

But, sir, the Senator undertakes to say that, because I have advocated here the constitutional rights of the South and the equality of these States, I subjected myself to an imputation which I shall not read myself. It bears his own handiwork. Mr. Secretary, I beg your pardon for asking you to read such a thing as this, but it is your duty, not mine.

The Secretary read the following extract from Mr. SUMNER's speech of May 19:

"But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrongs; I mean the Senator from South Carolina, [Mr. BUTLER,] and the Senator from Illinois, [Mr. DOUGLAS,] who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder Senator from his seat; but the cause, against which he has run a tilt, with such activity of animosity, demands that the opportunity of

exposing him should not be lost; and it is for the cause that I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot Slavery. For her, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote, in behalf of his wench Dulcinea del Toboso, is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames equality under the Constitution—in other words, the full power in the National Territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction block—then, sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus!

"But not content with this poor menace, which we have been twice told was 'measured,' the Senator, in the unrestrained chivalry of his nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them 'sectional and fanatical;' and opposition to the usurpation in Kansas, he denounces as 'an uncalculating fanaticism.' To be sure, these charges lack all grace of originality, and all sentiment of truth; but the adventurous Senator does not hesitate. He is the uncompromising, unblushing representative on this floor of a flagrant *sectionalism*, which now domineers over the Republic, and yet with a ludicrous ignorance of his own position—unable to see himself as others see him—or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his *sectionalism* the very epithet which designates himself. The men who strive to bring back the Government to its original policy, when Freedom and not Slavery was national while Slavery and not Freedom was sectional, he arraigns as *sectional*. This will not do. It involves too great a perversion of terms. I tell that Senator, that it is to himself, and to the 'organization' of which he is the 'committed advocate,' that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but since the question has been raised here, I affirm that the Republican party of the Union is in no just sense *sectional*, but, more than any other party, *national;* and that it now goes forth to dislodge from the high places of the Government the tyrannical sectionalism of which the Senator from South Carolina is one of the maddest zealots."

Mr. BUTLER. Now, Mr. President, how any man, who has not been excluded from society, could use such an illustration on this floor, I know not. I do not see how any man could obtain the consent of his own conscience to rise in the presence of a gallery of ladies and give to slavery the personification of a "mistress," and say that I loved her because she was a "harlot." I beg pardon for repeating it. What in the name of justice and decency could have ever led that man to use such language? That is the language of Cleon. It is a somewhat remarkable thing, that in the speech which I delivered here in reply to the Senator from New Hampshire, I used the word "slavery" but in one paragraph, and that was in response to a remark of his speaking of the Supreme Court as the citadel of slavery. I rebuked him. I said I would rather regard that court as the defender or as the promontory of the Constitution; and that he was at too great a distance ever to reach it by any arrow which he could discharge from his bow. Sectionalism was not in the speech itself. When I spoke of individuals in a particular section, I did not speak in terms which would imply or convey the idea that I meant the public of the slaveholding and non-slaveholding States. I confined it to that section who are suffering at this time, I hope to a limited extent, and who are burning their fires until they will be reduced to the caustic ashes of disappointment and disgrace. I did not speak of sectionalism in any other point of view. Sir, there are men on this floor who I believe honestly differ from me. I would not make any personal allusion to them. Far from widening this controversy, the object of my speech was to appease public sentiment. In the course of it I ventured to say, what I had never said before, that the man does not live who could look without concern at the consequences of a separation of these States effected in blood. I remarked that I would not say there was not intelligence enough ultimately to form new governments and make them a union of confederacies. Sir, in that speech I attempted to throw oil upon the troubled waters. My friends in some measure blamed me for the tone of my remarks. The so-called reply was already in the sap, the poisonous sap behind, and the Senator had to use his speech as a conduit to pour it out on me and on the country, when he had less occasion than was presented by any speech which I ever before made. Anybody who says we are incapable of preserving free institutions, I should be inclined to consider a slanderer on free institutions; but I will never agree to live in any Government that has not some operative and enforcible provisions of a constitution to preserve my rights. If the Government were as it formerly was, South Carolina and Massachusetts having a common interest, do you think the Senator could arise as an adversary to be applauded by his people? There was a time, sir, when his people would have disgraced him for that very speech. At this day, I do not say they will acquit my kinsman; I dare say they will not; but the time is coming when there will be but one opinion—that that is the most mischievous speech which has ever been delivered in this country, and has involved more innocent persons. If the contest goes on upon such issues as it makes, blood must follow. I do not look on any such scenes with pleasure. I have not temper for them, though when a young man I might, perhaps, not have been indisposed to embark in the hazards of contests.

Whilst upon this point, I may remark that Josiah Quincy, for whom I have heretofore had a great respect, says the Senator has not gone a hair's breadth beyond the line of duty and truth. After my explanations here I hardly think he will say so. He is the only man of high respectability whom I have yet seen or heard make such a declaration. He made it, too, with a reproach that I was sorry to see escape from such a man. He said, alluding to the fracas in the Senate-house, not in the Senate, that it is only a part of that tribe who carry bowie-knives and revolvers. Sir, I never wore a secret weapon in my life. I am not going to discuss the fact that I have used open weapons; and that is the only way I choose to deal, but that is not the way we can get them to deal with us.

Unfortunately, I have had scenes of that kind which I have regretted all my life to some extent. I am mortified to hear such a man as Quincy making a charge upon a whole section, when I question if there is a southern man in this House with a pistol or bowie-knife in his pocket. He has gone out of the way gratuitously to say that

we are of a "breed" who wear them as part of our dress. I am sorry to see such things creeping into the public mind. They mortify me; they annoy me.

But now I come to the resolutions of Massachusetts. I ask that they be read.

The Secretary read them as follows:

COMMONWEALTH OF MASSACHUSETTS. *In the year* 1856.

Resolves concerning the recent assault upon the Hon. Charles Sumner, at Washington.

Resolved by the Senate and House of Representatives of the Commonwealth of Massachusetts, That we have received with deep concern, information of the recent violent assault committed in the Senate Chamber at Washington, upon the person of the Hon. Charles Sumner, one of our Senators in Congress, by Preston S. Brooks, a member of the House of Representatives from South Carolina;—an assault which no provocation could justify—brutal and cowardly in itself—a gross breach of parliamentary privilege—a ruthless attack upon the liberty of speech—an outrage of the decencies of civilized life, and an indignity to the Commonwealth of Massachusetts.

Resolved, That the Legislature of Massachusetts, in the name of her free and enlightened people, demands for her representatives in the National Legislature entire *freedom of speech*, and will uphold them in the proper exercise of that essential right of American citizens.

Resolved, That we approve of Mr. Sumner's manliness and courage in his earnest and fearless declaration of free principles, and his defense of human rights and free territory.

Resolved, That the Legislature of Massachusetts is imperatively called upon by the plainest dictates of duty, from a decent regard to the rights of her citizens, and respect for her character as a sovereign State, to demand, and the Legislature of Massachusetts hereby does demand, of the national Congress, a prompt and strict investigation into the recent assault upon Senator Sumner, and the expulsion by the House of Representatives of Mr. Brooks, of South Carolina, and any other member concerned with him in said assault.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolves to the President of the Senate, and Speaker of the House of Representatives, and to each of the Senators and members of the House of Representatives from this Commonwealth, in the Congress of the United States.

HOUSE OF REPRESENTATIVES, *May* 29, 1856.

Passed. CHARLES A. PHELPS, *Speaker.*

—

IN SENATE, *May* 30, 1856.

Passed. ELIHU C. BAKER, *President.*

—

MAY 31, 1856.

Approved. HENRY J. GARDINER.

—

SECRETARY'S OFFICE,
BOSTON, *May* 31, 1856.

I certify the foregoing to be a true copy of the original resolves.

Attest: FRANCIS DEWITT,
Secretary of the Commonwealth.

Mr. BUTLER. These resolutions give rise to more serious reflection than anything which has occurred to me in my time. I have been in the Senate for ten years, and this is the first occasion that I have ever seen one of the sovereign States of the Union taking cognizance of matters which occurred in Congress, with a view to influence the judgment of Congress in relation to one of their members. This is the first occasion of the kind in the history of the country. It has been done from an *ex parte* view of the subject; for it is now very apparent that the resolutions of Massachusetts were introduced and passed without regard to the evidence. These resolutions anticipated and asserted what may not be true—what the public may not think true—what the Senate may not think true—what the House of Representatives may not think true; and yet the sovereign State of Massachusetts, before there was any evidence, indicted my relative upon rumor—a measure which would have taken Stafford to the gallows. What! sir; indict a man in the language of these resolutions upon the rumor of newspapers? These resolutions—I say it more in sorrow than in anger—betray a temper and precipitancy of judgment that do not look like having a regard to that dignity which is associated with justice. I shall speak respectfully. So far as I have spoken of Massachusetts hitherto, no exception can be taken; but, when I speak of Massachusetts now, it must be of Massachusetts as she has sent forth these resolutions—under the influence of a feeling which pervades her—under the influence of a sentiment which denied Daniel Webster the right to speak in Faneuil Hall, and threw off the coffin of Lincoln because he had fallen in performing his professional duties in the cause of his country. Boston now is not the Boston that she was when Hancock wrote, and Adams spoke, and Otis thought, and Warren fell. They would not recognize her. She is no more the same. Yet, from that very hotbed of bitter feeling to the South, and especially to South Carolina, have I to look for the feelings which dictated these resolutions. I have to meet an indictment—for what? It is said that the liberty of speech has been violated. Upon that point I intend to deliver some remarks which, whether they be correct or not, I shall throw out. Our ancestors were a people of hardy morality. Generally, when they spoke, they spoke directly from the heart. Such a thing as printing speeches beforehand, or having them printed without being uttered in the Senate, was unheard of in their day. They were men who stood on their legs, and spoke out. They had hearts and mouths. They did not resort to the appliances of paper and printing before they brought their speeches here. If the Senator from Massachusetts were present, and would answer me, I would put the question to him, "Was not that speech of yours printed and published before you spoke it in the Senate of the United States?" What is the meaning of that provision of the Constitution, which says that a Senator, or a member of the House, for any speech or debate in either House, shall not be questioned in any other place? Does it mean to give the Congress of the United States the power of deciding what is privilege without the courts questioning it? If so, it goes far beyond the settled doctrine in Great Britain at this day, which was maintained by Chief Justice Denman, in the case of Stockdale *vs.* Hansard; and that case has much to do with the matter now under consideration. Hansard had undertaken, under the authority of Parliament, to publish a book which contained a libel. Without such license or privilege, all agreed that he was responsible. The English House of Commons said that having granted him the license, it was their privilege. Chief Justice Denman took cognizance of the case, on the broad ground that the courts could determine what was privilege under the Constitution of England. He said: "as a common law judge, I will show the Parliament whether I am not capable of deciding on my responsibility as one of the great departments of this Government. Can it be maintained"—and it is one of the most eloquent decisions I ever read—"that the House of Commons, by claiming a priv-

ilege, shall thereby appropriate it to themselves, and screen a villain from the consequence of his libel?" The judge said that although by the law of Parliament newspapers were passed through the country under the frank of members without paying postage, that privilege did not give them the right to make use of a newspaper as a libel. He uses the strong expression: "God forbid that Parliament should afford such a pretext for doing wrong." I say the same thing now.

Will you tell me that a member rising here and handing a speech to the reporter, and telling him to print it, comes within the purview of the Constitution? Has he uttered words in debate? Will you tell me that a member who has made a speech of five sentences may append to it a newspaper like the Tribune, which has libeled me, and has the right to send through the post offices of this Government, and have folded by the persons employed in the folding-room at the public expense, into my daughter's parlor, that which would cost him his life if he told it to me? Has it come to this, that a Senator upon this floor can claim such an extensive privilege, under the law of Parliament, that he can send off, by the twenty thousand, speeches to England and to the four corners of the globe, where I am not known, and then claim protection upon the ground that he has a privilege which precludes him from being questioned elsewhere for words spoken in debate?

* * * * * * * * * *

The liberty of speech and of the press is the great conservative element of a Republic; it is to the political, what fire is to the material world, a subservient and affluent minister, when under the control of prudence and intelligence; but, when unchecked and unregulated, a consuming foe, withering and blasting everything along its pathway of ruin. Render freedom of speech tributary to the proprieties, decencies, and restraints of social life, and you may crown it with all the ministries and supremacies of intellect and liberty, but release it from them, and it becomes a blind and maddened giant of evil, tearing down the bulwarks of social order, and desecrating the very sanctuary of republican liberty. What would you think of a reckless man who should set fire to his own house, or should go about claiming the privilege of throwing his fire wherever he could among the most combustible materials, and say he had the right to do so, on the ground that he was a freeman, and could do as he pleased. Away with such liberty! Liberty that is worth anything must be in the harness of the law.

Liberty of speech and liberty of the press must have two restraints. The first is the highest, which will always govern a class of men who cannot violate it—the obligations of honor, decency, and justice. Another restraint upon licentiousness is that a man may publish and speak what he pleases with a knowledge that he is amenable to the tribunals of the law for what he has done. Congress cannot pass any statute to say that men shall not write against religion, or against the Government, or against individuals. Neither can Congress pass a law, nor can any State pass a law depriving the tribunals of the country of the right of saying whether you have gone beyond the limits of liberty, and have used your power, under that name, with criminal recklessness, with a licentious indifference to the feelings of individuals and the consequences upon society. I do not wish to live in any community where it is otherwise.

The press is losing its power, and it ought to lose it; for it is now beginning to be an engine of private revenge, and individual expression, instead of being a responsible organ of public opinion. Suppose I were to go to New York, and indict one of the editors there whom I could name, for the most atrocious libel that has ever been uttered upon the South. I will not name the editor, but he has uttered a sentiment akin to one which has been expressed by the Senator from Massachusetts. I saw in a New York paper—I have alluded to it heretofore—a statement that the southern States are too feeble and weak to take any part in a war—that all they can do is to take charge of their negroes! It said that if a war should take place between England and the United States, the English fleet would only have to go to the capes of the Chesapeake, and the effeminate masters would be kept at home. Fifty thousand slaves, inured to toil, could be mustered into service, and they would have the power to put their masters to the sword; and when the declaration of peace should come, the result would be the freedom of the slaves and the proscription of the masters! Suppose I should go into the community where this libel was uttered, and indict a man for such a sentiment as this, what would be the consequence in the present state of public opinion? It is idle, worse than idle, to talk about that as a remedy.

Liberty of the press! Sir, that man has franked twenty thousand of his speeches; and some of them, if I am not misinformed, were printed long before it was delivered. To bring him within the privileges of parliament is a mockery—a perfect mockery.

Now, Mr. President, I approach another most painful part of this case, and I come to it in no bad temper; for, God knows, if my heart could be read, there is no one who would sooner than myself have averted the state of things which now exists, if I could, consistently with my honor and the honor of the gentleman to whom I shall allude. The resolutions of Massachusetts undertook, before any evidence was heard, to pronounce sentence on Mr. Brooks. Sir, I will tell you who Mr. Brooks is, and why he felt so deeply in reference to these abominable libels. I do not allude to him now as my hereditary kinsman; I think that is the smallest view to take of the matter; but I am his constituent. I live in "Ninety-six"—a district through which, if you pass, you will read upon the tombstones epitaphs which would reproach him for tame and ignominious submission to wrong and to insult.

He has as proud and intelligent a constituency as are to be found in any part of the globe. I am his constituent. But more than that, he has worn the epaulet and the sword; he has marched under the Palmetto banner, and his countrymen have awarded to him a sword for his good conduct in the war with Mexico. That sword was in some measure committed to him, that he might use it, when occasion required, to maintain the honor and the dignity of his State. When he heard of this speech first, and read it afterwards, this young man, in passing down the street, heard but one

sentiment, and it was, that his State and his blood had been insulted. He could not go into the drawing-room, or parlor, or into a reading-room, without the street commentary reproaching him. Wherever he went, the question was asked, "Has the chivalry of South Carolina escaped, and is this to be a tame submission?" What advice I would have given him I do not now undertake to say.

But, sir, when this was said to this gentleman wherever he went, he felt that if something was not done he could not face his constituents without losing his usefulness, and without there being a taint on his honor and on his courage. He may have been mistaken in some respects. His coming into the Senate house was no option of his. When he formed his determination, as I am informed,—and I have kept aloof from conversation with him,—I judge from the evidence he had no purpose to profane the Senate house. I say the Senate house had been profaned before. I had rather to-morrow take ten blows inflicted on my body, than have the gas of the rhetorician poured out upon my character and State.

The Senator from Massachusetts chose to make his place here one from which to assail the history and reputation of South Carolina, and to assail an absent constituent of the gentleman who has taken redress into his own hands. In such a condition of things who could be placed in a situation more difficult? Surely, Mr. President, something is to be pardoned to the feelings of a man acting under sensibility, and under the dictates of high honor. If any one was here, placed in a situation to feel the touching appeal made by the ghost to Hamlet, "If thou hast nature in thee, bear it not," he was the man. Now, I ask the Secretary to read the extract which I have marked in the book which I send to him, and I do not intend to say where it comes from till it is read.

The Secretary read as follows:

"Do not believe that I am inculcating opinions, tending to disturb the peace of society. On the contrary, they are the principles that can preserve it. It is more dangerous for the laws to give security to a man, disposed to commit outrages on the persons of his fellow-citizens, than to authorize those, who must otherwise meet irreparable injury, to defend themselves at every hazard. Men of eminent talents and virtue, on whose exertions, in perilous times, the honor and happiness of their country must depend, will always be liable to be degraded by every daring miscreant, if they cannot defend themselves from personal insult and outrage. Men of this description must always feel, that to submit to degradation and dishonor is impossible. Nor is this feeling confined to men of that eminent grade. We have thousands in our country who possess this spirit; and without them we should soon deservedly cease to exist as an independent nation. I respect the laws of my country, and revere the precepts of our holy religion; I should shudder at shedding human blood; I would practice moderation and forbearance, to avoid so terrible a calamity; yet, should I ever be driven to that impassable point, where degradation and disgrace begin, may this arm shrink palsied from its socket if I fail to defend my own honor!"

Mr. BUTLER. Who uttered that sentiment? It is the sentiment of a gentleman whose speeches have always commended him to me. It is a sentiment worthy of the ancient days of Boston when Dexter spoke. This is a northern man speaking; and I adopt his language. I say with him that, when things "tend to that impassable point where degradation and disgrace begin, may my arm shrink palsied from its socket if I fail to defend my own honor!"

Sir, that sentiment was uttered at a time when clergymen confined themselves to the pulpit, and preached against crime and vice; when they did not use the pulpit as a recruiting station to issue Sharpe's rifles, and to mingle in all the bitter strife of the forum and the Agora. It was uttered when Boston knew how to respect the feelings of others. I concur in all that is said by Mr. Dexter. I deprecate blood and violence. I will not utter all that my heart prompts me to say, for fear of encouraging young men; but this I will say, that no son of mine should ever submit to insult without satisfaction.

At this point, on a suggestion of Mr. CLAY, the honorable Senator yielded the floor, and the Senate adjourned. The day succeeding, Mr BUTLER continued:

I said yesterday that my friend, my representative, my relative, one who is associated with me by more ties than either of these—had taken redress in his own hands—had resorted to his own mode of redress. I said that there were considerations connected with the occasion which, though they could not justify him before a legal tribunal, would excuse any man of his character and position, representing such constituents as he represented, and bound in some measure to sympathize with the opinions of the section with which he is associated. It was impossible that he could separate himself from those conclusions which others might not appreciate, and some could not understand. But I say that gentleman dare not—I do not say I would have advised him—but in his estimation he could not go home and face such a constituency without incurring what is the worst of all judgments—the judgment of the country against a man who is placed as a sentinel to represent it.

If, in the course of these proceedings and the events which have grown out of the speech which has been made by the Senator, it shall be said that Massachusetts can be justified by falling back on an opinion which will justify her Senators and Representatives, it is, I must be permitted to say, one of the unfortunate symptoms of the times in regard to which we have no common tribunal to decide between us. Sir, it seems to indicate a crisis when the opinion of the constituency of one portion of the Confederacy applauds one whilst it is ready to consume and put to the stake another. We have always supposed that public opinion would be right; and sir, I distinguish public opinion very much from popular prejudice. Popular prejudice is that which would consume in ignorance to-day, what it would repent of to-morrow. Public opinion is the judgment of an intelligent community, not formed under the excitement of the moment. It is not the sentiment of an irresponsible multitude; it is not the sentiment of an *ex parte* decision; it is not the judgment which can find its way into the history of the country, or which posterity will adopt as that which ought to be pronounced on the occasion. Public opinion is the highest, the gravest, the most solemn judgment to which any of us can defer. I would not give one cent for what is called public opinion, if it depended upon *ex parte* views of any subject. And I say that the resolutions which have been sent here

from the Legislature of Massachusetts, are not only *ex parte*, but I am sorry to say that I fear their counselors were prejudice and malignity, even giving their counsels through the darkness of ignorance. I do not mean ignorance so far as regards the body individually, for I have no doubt it is intelligent enough; but I mean ignorance, so far as regards pronouncing a judgment without understanding the facts on which that judgment ought to turn. I say that my friend has been condemned without a hearing. He has been condemned by a judgment which, if suffered to go into history uncontradicted, unexamined, and unrefuted, would consign him to a fate which his character does not deserve, and shall not receive as long as I can stand here as his friend and advocate.

But, sir, before I approach the constitutional and legal view of these resolutions, I must acquit myself of the duty which I in some measure assumed yesterday evening, of presenting to the public the circumstances under which the fracas, as it is termed, or the assault, on the Senator from Massachusetts, occurred.

I said that my friend and relative was not in the Senate when the speech was being delivered, but he was summoned here, as I have learned from others. He was excited and stung by the street rumors and the street commentaries, and by the conversations in the parlors, where even ladies pronounced a judgment; and, sir, woman never fails to pronounce a judgment where honor is concerned, and it is always in favor of the redress of a wrong. I would trust to the instinct of woman upon subjects of this kind. He could not go into a parlor, or drawing-room, or to a dinner party, where he did not find an implied reproach that there was an unmanly submission to an insult to his State and his countrymen. Sir, it was hard for any man, much less for a man of his temperament, to bear this.

I intended to reserve a commentary which was at once made on the speech of the Senator from Massachusetts as the most important part of my conclusion; but I find that I can apply it at no better time than this. I allude to the commentary which was pronounced at the time; not when a controversy had arisen; not when it was supposed that the temptations of an adversary, or even the public mind, had so far made an issue that he was obliged to take one side or the other; but it was pronounced by a gentleman of distinguished position, a sage, a patriot, a man who had won laurels in the field, and justly deserved to be considered the Nestor of the Senate. Sir, the remarks made by the member from Michigan [Mr. Cass] struck me as the most consuming piece of criticism; and I think, taking it all into consideration, it would be more terrible to me than all the arguments of an advocate, and all the array that could be brought on one side or the other. It was the testimony of voluntary justice.

"I have listened"—said that distinguished gentleman, [Mr. Cass,] who had worn the sword and the robes of the Senate, with distinction and dignity—"with equal regret and surprise to the speech of the honorable Senator from Massachusetts. Such a speech—the most un-American and unpatriotic that ever grated on ears of the members of this high body—as I hope never to hear again, here or elsewhere. But, sir, I did not rise to make any comments on the speech of the honorable Senator, open as it is to the highest censure and disapprobation."

I am not as young a man as Mr. Sumner, nor do I pretend to be in a condition to defy or place myself against the testimony which would put into operation a current of public opinion, such as was pronounced by the honorable Senator from Michigan in his place; but, sir, I can say, that, with my nature, I could not have slept that night on my pillow with such a censure and such a criticism pronounced in the Senate of the United States. I should have been ready to send a message to make atonement in some way. I should have wiped out, as far as I could, by repentance and atonement, the unmanly aggression and insult which had been offered, and was condemned by the highest authority. I do not undertake to say what was the opinion of that Senator, but I can quote from his State the most consuming judgment I ever heard pronounced. The sentiments expressed in the paragraph to which I allude, and in others, show that when the effervescence of popular prejudice shall have subsided, this case might be tried, even in Massachusetts itself. I should not be afraid to try it there. They are not slaves to be governed by fanatical madness. One of the journals there, in a remarkably well-written article, which I adopt, says:

"Charles Sumner's recent speeches in the United States Senate have not in any respect enhanced his reputation as a man, as a debater, or as a statesman. It is impossible, it seems to us, for any fair-minded man, who loves truth and regards honor and decency, to read these effusions, all reeking with falsehoods, bitterness and wrath, and indecency, without feeling that Massachusetts has been disgraced by an unworthy son in the Senate Chamber, before the country and in the face of the world. We venture the assertion that no parallel to these vituperative outbursts of Sumner can be found in the annals of Congress, nor in the records of any legislative assembly in the world. Overpowering passion, madness itself, seems to have bereft him of his senses, and left him oblivious of truth and honor, of the courtesies of intelligent and dignified debate, and of the proprieties of civilized life.

We do not, we cannot, use terms too strong in relation to this matter. It is not the character of Charles Sumner alone that is involved. The fair fame of Massachusetts suffers. Whatever may have been the political errors of Massachusetts, she has ever, heretofore, been represented in the Senate of the United States, and we might also say in the House of Representatives, by men, statesmen—Webster, Winthrop, Everett, Choate, Davis, and Bates—who knew their rights, and knowing dared to maintain, and maintained them with courtesy, dignity, and ability, in such a manner as to command the respect of their opponents, the applause of their friends, and the admiration of all their countrymen."

I knew some of the gentlemen here named, and I should never be afraid to meet them in debate anywhere, because with them I should never apprehend the assaults of calumny and slander. I cannot be reduced to such an issue that I must discount calumny and slander by the language of a blackguard. If it be the theory of gentlemen that when one uses language in debate transcending the sphere prescribed by propriety and justice, we are to resort to the same mode for redress and satisfaction, I am a non-combatant; I cannot enter into a controversy with gentlemen in which they are to bandy words.

These remarks are not without their direction. I have used them to show what was the impression on the public mind at the time when the assault was committed. Mr. Bingham, a friend

of Mr. SUMNER I presume, says in his testimony that on hearing the speech he anticipated something. It was the general impression of the whole community that he deserved to receive a chastisement; or, at least, that he was bound to make atonement in some way for the insults and the wantonness of his insults to a gentleman (as I hope I am) then absent. This was the common sentiment pervading the public mind at Washington. What was my friend to do? Sue him? Indict him? If that was the mode in which he intended to take redress, he had better never go to South Carolina again. Was he to challenge him? That would have been an exhibition of chivalry having no meaning. Although he has been upon the field, both in open war and in a private affair, I should be very sorry to see any crisis requiring it again. A challenge would have been an advertisement to the world of his courage, when there was not a probability of its being tried. He would have made himself contemptible, and perhaps might have been committed to the penitentiary for sending a challenge.

Then, what course was left to him to pursue? Mr. SUMNER had opportunities enough to make an apology. God knows I could not have resisted the admonitory criticism of the distinguished Senator from Michigan, perhaps the most imposing authority in the Senate. He paid no regard to him, and for a very good reason: his speech was written, and had gone out, and he could not contradict what he had sent forth to the public with malice aforethought.

Well, sir, what did Mr. BROOKS do? It is said he sought Mr. SUMNER in the Senate Chamber. It is the last place in which he wished to seek him. He would have met him in an open combat, on a fair field, and under a free sky, at any time. And when the Legislature of Massachusetts chooses to say that his conduct is cowardly, let her try him in any way she chooses. [Applause.]

Sir, a man who occupies a place in the Senate, representing a great Commonwealth like Massachusetts, or representing any State, as one of her Senators, occupies a very high position, from which he can send forth to the public what may affect the character of almost any man, except General Washington, or some one upon whose character the verdict of history has been rendered. There is scarcely any man who can withstand the slander which may be pronounced from the Senate Chamber of the United States. For this reason I would never look, and I never have looked, beyond the public position of a member here, to go into his private and personal character. I would not do it, because by so doing I should do a wrong which I could not redress. Even a word escaping my tongue in this Chamber, as a Senator, might go far to injure a man where he could not correct it. We are in a position which requires high considerations for the regulation of our conduct. I agree thoroughly with General Jackson, that the slanderer who involves third persons in difficulty and danger, is an incendiary, against whom we should guard more than any one else, in a parliamentary point of view. I will quote General Jackson's language. He said: "Over the doors of each House of Congress, in letters of gold, should be inscribed the words, 'The Slanderer is worse than the Murderer.'" A single murder is horrible. It may take a single individual from society. But when I look at the mischievous influence of slander, I find that it pervades a whole community; makes war in society; sets family against family; individual against individual; section against section. It is the most cowardly mode in which a war can be conducted.

With the state of opinion to which I have alluded prevailing, what did Mr. BROOKS do? Of course he did not undertake to challenge Mr. SUMNER to a fist fight, or a stick fight, or any other kind of fight. He thought Mr. SUMNER deserved a castigation, and he undertook to give it to him according to the old-fashioned notion, by caning him. I have not heard Mr. BROOKS detail the circumstances. I have not conversed with him in regard to the matter; I take my information from the published testimony. Mr. BROOKS, not finding him anywhere else, came to him while he was sitting in his seat here, after the Senate had adjourned. He came to him in front—different from the statement made to the Massachusetts Legislature. He was half a minute in his proem or explanation. He said: "Mr. SUMNER, I have read your speech. I have read it carefully, with as much consideration, and forbearance, and fairness as I could; but, sir, I have come to punish you now for the contents of that speech, which is a libel on my State, and on a gray-haired relative."

Instinct would have prompted most men to rise immediately. Mr. SUMNER did rise. In the act of rising, Mr. BROOKS struck him across the face—not, as has been represented, over his head, for that is not the truth, nor is it borne out by the testimony. On the second stroke the cane broke. It is the misfortune of Mr. BROOKS to have incurred all the epithets which have been used in regard to an assassin-like and bludgeon attack, by the mere accident of having a foolish stick, which broke. It broke again; and it was not, as I understand, until it came very near the handle, that he inflicted blows which he would not have inflicted if he had an ordinary weapon of a kind which would have been a security against breaking. His design was to whip him; but the stick broke, and that has brought upon him these imputations.

It has gone through the country that Mr. BROOKS struck him after he was prostrate on the floor. None who know this young man could entertain such an idea. I have known him from childhood. I used to have some control over him; but the scholar has become the master, and I suppose he would not care much about my advice now. By an hereditary tie our families are more closely united than any two with whom I have been acquainted. But that is far apart from the question. Independent of his filial feelings for me, and his regard for me as his constituent and Senator, I have no doubt that a personal feeling of regard for myself individually influenced him.

He approached that man with no other purpose than to disgrace him as far as he could; but the stick broke. After it broke he was reduced to a kind of necessity—a contingency not apprehended at all in the original inception of the purpose of making the assault. Notwithstanding all that has been said of his brutality, he is one of the best tempered fellows I ever knew—impetu-

cus, no doubt, and quick in resentment, but he did not intend what has been assigned to him.

After all that has been said and done, on a *post bellum* examination, what is it? A fight in the Senate Chamber, resulting in two flesh wounds, which ought not to have detained him from the Senate. Being rather a handsome man, perhaps he would not like to expose himself by making his appearance for some time; but if he had been in the Army, there was no reason why he should not go to the field the next day; and he would deserve to be cashiered if he did not go. What does his physician say? He says that there were but two flesh wounds; that he never had a fever while under his care and attendance, and that he was ready to come into the Senate the next day, but for his advice; and his advice was, that he should not come into the Senate, because it would aggravate the excitement already too high. He did not recommend him not to go into the committee room to be examined on the ground that his wounds had enfeebled him, but for other considerations, because it might aggravate the excitement already prevailing to an extent which might lead to mischievous consequences.

This, then, is the mode of redress to which Mr. BROOKS resorted. I do not say what I should have advised him to do, but perhaps it was fortunate that I was absent in one respect, for I certainly should not have submitted to that insult. Possibly it might not have been offered if I were present, though I do not know the fact, because I cannot say exactly what would be the course of one of those persons who have a way of fabricating speeches. Perhaps, being in his speech, he would have had to read it; but I think it possible that on the appeal which I would have made on my discretion, his friends might have induced him to reform it in some way so as to conform at least to the requirements of common decency in public opinion. If he had not done so, I do not know what would have been my course.

For this transaction, as I have detailed it, and without the intelligence which I have detailed being before them, the Legislature of Massachusetts have sent their resolutions here. These resolutions are without a precedent in the history of this country. I hope other Senators will speak to them, for they are not only an insult to South Carolina and her representatives in Congress, but I think they assail the Constitution of the country. Before commenting on them, I may be permitted to allude to the first precedent of a congressional fight, which was between two members from New England.

This affair is said to be an evidence of southern violence and southern ruffianism. Some papers speak of the bowie-knife and the revolver of southern blackguards. Why, sir, the first fight which took place in Congress was between Matthew Lyon and Roger Griswold, from Connecticut. Our ancestors in those days looked upon a fight with very little of the importance which is now attached to it. They said it was so unimportant, that they were vexed that so much of the time of the House was occupied in considering it.

It seems that Matthew Lyon, originally an officer in the Army, had been cashiered and awarded a wooden sword. He then lived in Connecticut. At that time, and at this, too, in Connecticut, there was a pretty pressing opinion against a low man, and he could not stand it. He had to move over into Vermont, a new State, then the frontier of the country. He was elected a member of Congress from Vermont. He was one of the Democrats. I suppose he was one of the Red Republicans of that day against John Adams's administration. Was he a Democrat?

Mr. FOOT. Yes, sir; he was a Democrat.

Mr. BUTLER. It was before the gentleman from Vermont taught school there, and Lyon assumed to be a kind of apostle of liberty and Democracy. Not satisfied with instructing the people of Vermont, he went to Mr. Griswold of Connecticut; stood behind his seat and told him, "Sir, you do not represent Connecticut correctly; I know these people; they are mean people; they will take $1,000 as soon as $9,000 for a salary." Griswold stood it for a great while. Finally Lyon said, "I will go over to Connecticut; I will talk to these people, and I will have an influence upon them; I will show whether you ought to occupy your seat or not." Griswold said, "I hope you will not go with your wooden sword." He repeated this twice; and after somebody suggested to Lyon that the third time was too much, he spit in Griswold's face. A great hubbub was raised, and Lyon was brought up, I suppose, to his perfect delight, to be tried as to whether he should be expelled from the House of Representatives or not. On the following day, Griswold involved himself in a difficulty without any consideration. He took a good hickory stick and went to Lyon. He did not give him any notice at all. They fought with hickory sticks, and spit-boxes, and tongs, all over the House of Representatives, while the House was in session. Our hardy ancestors at that time did not think a fight of so much importance that they should take it into serious consideration. They said, let them both go. They refused to expel either of them.

When Mr. Randolph struck Mr. Allstine, the matter was brought before the House; but none of these things were considered of a sufficient magnitude to invoke the high function of a Legislature sending its missive to Congress to tell them what to do. Massachusetts is the first to set the example. She has not only administered a reprimand to Mr. BROOKS without any evidence; she has not only assumed to pronounce judgment before hearing the evidence, like a judge passing sentence on a criminal before hearing his defense; but she has undertaken indiscriminately to say, that she demands of the Congress of the United States to carry out her behests in regard to what she considers to be an outrage upon the privileges of the Senate.

Can anything be more insulting to the Congress of the United States than the spectacle of a State sending down a message to its "faithful Commons"—a message that they are to pronounce this or that judgment? Are we to submit to this? I did not wish to make the contest; but, in my opinion, these resolutions, in the terms they import, ought not to have been received by the Senate.

Taking all these things into consideration, indicted as Mr. BROOKS has been by an *ex parte* accusation, without evidence, without even the finding of a grand jury, what is his position? If

his case could go before any impartial tribunal, and I could employ counsel such as I would select, probably I would choose my friend from California, [Mr. WELLER,] who lives in a free State, who is an impartial man, an advocate, a gentleman, a man of honor and courage.

If a civil action were brought by Mr. SUMNER against Mr. BROOKS for assault and battery, I pledge myself that, with all the resources he could bring to his command, he would be able to reduce the verdict to a penny damages. What would be the state of the pleadings? Mr. BROOKS struck Mr. SUMNER, would be the allegation. It would be admitted that he struck him, and inflicted two flesh wounds. Mr. SUMNER would reply, "I am a Senator of the United States; and although the Senate was not in session, I was in that sacred temple, and my character is so sacred under the privileges of the Senate, that I am not to be assailed." What would Mr. BROOKS's counsel rejoin? The rejoinder would be, "Sir, you had profaned and disgraced the seat you occupied, before you were struck."

Then the question would be, what is this privilege so much spoken of—freedom of debate? The court would examine the question, whether what was said was privileged within the rules of the Senate, or whether it was a libel. If it should be pronounced to be a libel, and I were the judge before whom an action were brought—if a man brought before me could show that another insulted his mother, or his father, or his sister, or himself, or his country, I would say to the man who inflicted the blow, "My duty is to fine you; you are not justified by the law; but it is my privilege to say that, whilst I will enforce the law and maintain its dignity, I shall fine you as small a sum as I possibly can within my discretion."

Now let me state the testimony in such an action. It would be that, in the absence of the Senator from South Carolina, Mr. SUMNER rose in his seat, and pronounced what northern papers themselves say is an unparalleled insult, not only to the State of South Carolina, but to her absent Senator. It is one for which I cannot account. I ought to thank one of the Boston editors—I think the editor of the Courier—for a beautiful, perhaps an undeserved compliment, which he has paid to my speech. I ought to thank him here publicly, as one who has independence enough to express his opinions in opposition to the tide prevailing in his part of the country. In my absence, language was used of me which, I venture to say, no one who knew me believed. I might put that question to the Senator's colleague. I know nothing against either of the Senators from Massachusetts personally or privately. I dare say, as neighbors and individuals, I should not have the least right to complain of their judgment outside of the influences which operate upon them publicly and politically. They have no right here to attack any man's private character. I never transgressed the limits of propriety to reach over and look at any man's private character. I do not know that I have anything against Mr. SUMNER's private character; but that has nothing to do with the matter. Here, in his place, *in colore officii*, as a Senator from Massachusetts, he undertook to traduce and calumniate the revolutionary history of South Carolina, and to make remarks in regard to one of her Senators on this floor, a coequal with him, to which no one could have submitted. It happens that that Senator was the constituent of a member of the House of Representatives, who was his friend. That friend, finding that his own blood was insulted by an insult to his absent relative, was goaded on by the necessity of circumstances to take some measure of revenge. As I said yesterday, surely under such circumstances much is to be pardoned to the feelings of a man acting under such motives.

With these remarks I dismiss the resolutions of Massachusetts, hoping that somebody else besides a Senator from South Carolina will say something of them, for I do not wish to identify myself too much with them as a personal matter. I have attempted to keep aloof from that.

The Senator from Massachusetts, in his speech, made one or two allusions which I must incidentally notice to show how erroneous he is whenever he touches any subject. He says I indulged in licentious abuse of the people of Kansas. When he speaks of the people of Kansas I suppose he means those who were sent there by the aid societies. I presume he considers nobody as the people of Kansas except those who have the impression upon them of the people whom he designates to choose and comprehend within the term, "people of Kansas." He has no regard for the people of Kentucky, of Missouri, of Iowa, of Virginia, of South Carolina, who may have gone into that Territory, but he says I have abused its people. I never did abuse them. I did say that the man who came here with the so-called petition of Kansas in his hands without signatures, was attempting to come into the fold of this Federal Government by a fraud. I did not use as strong an expression as my friend from Louisiana, [Mr. BENJAMIN,] my friend from Virginia, [Mr. MASON,] and others. I did not say that the petition was a forgery. I denounced it as a violation of the rules of the Senate to print a paper of that kind, or to give it the dignity of a paper coming from a State. This is all that I said. I did not abuse the people. But what does Mr. SUMNER say of the portion, my portion, if he chooses to call them so, though I do not wish so to characterize them, of the people of Kansas? He speaks of them as "hirelings, picked from the drunken spew and vomit of an uneasy civilization—in the form of men—

> "'Ay, in the catalogue ye go for men;
> As hounds and grayhounds, mongrels, spaniels, curs,
> Shoughs, water-rugs, and demi-wolves, are called
> All by the name of dogs.'"

Sir, he could not have provoked me in the spirit of controversy to say that. I have no doubt many worthy individuals have gone there under the influence of aid societies; I have not compared them, as the Senator has those who have gone there from Arkansas, Missouri, and Virginia, to the genus of wolves, dogs, and hirelings from the spew of an uneasy civilization. All are dogs, in his estimation, that do not come under the impression of his indorsement. This is language which I could not use of any set of men with whom I was not acquainted. If I were to settle in Kansas to-morrow among those very people, I think it probable that I should be on good terms with them; for I have never had a dispute with a neighbor. I do not think these people would

disturb me. But what think you of this denunciation—this rhetorical bombardment from the Senate of the United States, of a class of individuals, as honorable and brave a set of men, I doubt not, as any other, though, perhaps, reckless to some extent. I regret the issue pending in Kansas. I said before, and now repeat, that the very last fate to which this country should be reduced, would be to commit the arbitrament of great questions to the issue of the sword in the hands of youth willing to contend and pleased with the pride of engaging in arms, and having bestowed on them all the fascination which can be imparted by danger and trial.

Mr. Butler then goes on to show Mr. Sumner guilty of what bears a very close similitude to an *intentional misunderstanding* in charging him (Mr. Butler) with saying that the people of Kansas should be disarmed; and also shows up Mr. Sumner's — now notorious — imitation of the apostrophe of Demosthenes, which he admits is a remarkable imitation, and is the best part of his (Mr. Sumner's) speech. He closes with the following scathing peroration:

Mr. President, I have convicted the Senator of making a speech which was not in response to anything I said. I have convicted him of such historical errors as no man can mistake. I have convicted him of making allegations against me of being ignorant of law and of Constitutions, and yet when he undertook to quote and expound the constitution of South Carolina, I have shown that he either never read that constitution, or he could not understand it, or, if he did understand it, he willfully misrepresented it. He has been guilty of the *suppressio veri* and the *suggestio falsi*. He cannot escape from these propositions.

I have a copy of the Senator's speech before me, and now I am going to turn his gun upon him. I ask the Senate to see if I do not turn it upon him to such an extent as to allow me to apply the apposite quotation of which I have often made use:

"Mutato nomine, de te
Fabula narratur."

Here is what he says of me:

"With regret I come again upon the Senator from South Carolina, [Mr. Butler,] who, omnipresent in this debate"

Why, sir, I have counted the Congressional Globe, and my remarks make but twelve pages, while his are thirty-two. I have not gone into the subject at as great length as my friends from Alabama, [Mr. Clay,] Georgia, [Mr. Toombs,] and others. My speeches all put together on this subject are but twelve pages, and his are thirty-two; while those of his coadjutors amount, I suppose, to a hundred more. Yet he said I was omnipresent in this debate! I will not say that he is omnipresent in this debate, but he is omnipresent everywhere *out* of the debate. He says that I "overflowed with rage at the simple suggestion that Kansas had applied for admission as a State, and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representatives, and then upon her people." I said it was a fraud, and the Senate said so. Why did he single me out? Again, alluding to me, he said:

"There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration."

I do not know that I have ever been an imitator in my life. Those who know me best say that I am rather *sui generis*. I never borrow from Demosthenes, and palm it off as my own. As to my deviation from the truth, let me ask, did he tell the truth when he quoted the constitution of South Carolina, and there was no such clause in it as he stated? Did he tell the truth when he undertook to say, that her imbecility was shameful during the Revolution? I have shown that she absolutely sent bread to Massachusetts. Did he tell the truth when he meant to impute to me what he has charged here? I retort upon him everything that follows.

I retort on him the very language which he applies to me. He accused me of such a proclivity to error that I could not conform to the line of truth, or was continually deviating from it. I have convicted him before the Senate, by the evidence which I have adduced, of calumniating the history and character of South Carolina, and of misrepresenting her constitution. He has done this, not in response to anything I had said, or anything which was legitimately connected with the debate. He has undertaken to charge me with ignorance of the law and the Constitution, which is perfectly independent of his arbitrary *dictum*—the *dictum*, allow me to say of a man who has never conducted a great law case in this country. I believe no one would buy an estate worth $10,000 upon his opinion of the title. I would not engage him to conduct a cause not that he is not a clear man, but I would not trust him as a lawyer. And yet he undertakes to be my judge. What right has he to pronounce judgment on me as a lawyer? I am reduced to a pretty predicament at this time of life, if I am to be subjected to such a judgment! It is a judgment about which I care little; and I do not suppose any man would give fifty dollars for it even in Massachusetts.

"He cannot ope his mouth but out there flies a blunder."

I sincerely hope that what he has said is a blunder. I do not know but that he may have thought he would escape scrutiny and exposure. I hope that, when he opened his mouth and said what he did in reference to these matters, it was a blunder. He said of me, "the Senator touches nothing which he does not disfigure." I can say of him he has touched nothing which he has not misrepresented, except it be in his general declamation, and there is no detecting a man in that; it is a matter of taste. I appreciate highly the compliment I received this morning in the Boston Courier as to the merit of my speech. The Senator says of me, that "the Senator touches nothing which he does not disfigure—with error sometimes of principle, sometimes of fact." I apply this to him with this exception: I say error nearly always of principle, sometimes of fact. I leave the Senate to decide between us in that respect. Again he said of me:

"He shows an incapacity of accuracy, whether in stating the Constitution or in stating the law—whether in the details of statistics or the diversions of scholarship."

I shall not compete with him in scholarship,

for I should be vulnerable there; but "men who live in glass houses should never throw stones." Of all the things which that Senator ventured to do, I think he exposed his house most when he made that assertion, with the detection which I have fixed upon him of error, injustice, and malignity. It is nailed upon him, and he cannot get rid of it. I care not how far fanaticism may undertake to influence the judgment of public opinion, it cannot alter the truth. Truth is sometimes slow in making its impression on the public mind, but, when made, it is evidence which produces a belief that cannot be resisted. That belief will grow out of my statements, my remarks, and my references, and is just as certain as the truth of the evidence, and he cannot escape from it.

Mr. President, I have detained the Senate much longer than I wished. When I gave notice that I should speak to the resolutions of Massachusetts, it was with perfect confidence that the Senator would be in his seat. Finding that these resolutions were not here, on Monday last I gave notice that I should speak on Thursday, still confident that he would be here? Yesterday, having heard that perhaps he would not be present, I inquired in as delicate a manner as I could when he would be here? Although our relations are not friendly, I did not wish to assume a position which would be even apparently inconsistent with fair chivalry and bearing. I inquired whether he would be in the Senate within a fortnight, and, if so, I said I would postpone my remarks. Finding that it was his purpose to go, in a few days, to Massachusetts, and that he would not be likely to return for three or four weeks, I could not allow the opportunity to pass. I have stated these facts to show that I do not stand here taking advantage of his absence. I was willing to wait any reasonable time, but I could not allow error to prevail longer in relation to my State, my friend, or myself. This is my position.

Sir, if there is any one individual who more than another regrets the occasion on which I have spoken, it is myself. I have no temper for strife. I am passing through the last chapter of my public life, and I have no wish to identify my name with anything like a personal controversy. I have never sought it. When the question comes to be examined and solved, Who was the aggressor? it will be found that it was not I on any occasion. I admit that I have three peculiarities of manner—impatience, excitability, and perhaps absent-mindedness. They are peculiarities which have followed me from the cradle. But, sir, I hope I have never known the time when reason and repentance would not suppress even a temporary injustice. If injustice is done to me, or a wrong or insult offered, I never stop to parley in words. I ask justice, and if it is not given, I never would be in the wrong if I could help myself; but when I am in the right I do not think any man can blame me for vindicating my principles.

Now, sir, I appeal to the good sense of this country. I appeal to the lessons which its grave history inculcates. I appeal to the position which it occupies in relation to the history of the world, and to the high responsibilities which now rest on this Confederacy, not to allow it to be dissolved in blood. If we are to separate, let us have common sense enough to do it in a way becoming intelligent men, who have learned their lessons from the highest sources of intelligence and wisdom. If we are to live together, let it not be upon the terms prescribed or intimated by the tone and temper of the licentious and aggressive language of the speech delivered by the Senator from Massachusetts. It is impossible for self-respect to allow me to sit here and listen quietly to such a speech. If there were separate confederacies to-morrow, he dare not utter it without subjecting himself to a peril which he will not encounter now. He would then put his section in a position to make war, and he would be responsible to a higher tribunal than that of those who have erected themselves into it under an influence which I think must perish; and I hope the day is fast coming when the fires of that limited sectionalism will burn out, or will be reduced to the ashes of disappointment and disgrace.

FROM THE

HON. JOSIAH J. EVANS'S SPEECH,

DELIVERED IN THE SENATE OF THE UNITED STATES, JUNE 23, 1856.

The Senate, as in Committee of the Whole, having under consideration the bill to enable the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population—

Mr. EVANS said: Mr. President, the subjects which have grown out of this unhappy Kansas affair are of very grave import. I would willingly, very willingly, avoid, if it were possible, mingling in this controversy. I have no taste for it. It is against the habits of the last thirty years of my life; for within that period, so far as I remember, I have on no occasion found it necessary to make anything like a forensic effort. But, sir, the Senator from Massachusetts not now in his seat [Mr. SUMNER] has not left me any choice. He has thought proper, in a most ruthless manner, to assail my State, and to assail my colleague. This requires at my hands something in reply. In making this reply, I do not purpose to indulge in any unkind language, much less to violate any parliamentary law.

The subjects which I propose to discuss are the legitimate inferences growing out of that which he has introduced into his speech. So far as I am capable of understanding it—and I certainly have no desire to misrepresent either that Senator or anybody else—the great object of the Senator's speech seemed to be threefold: First, to excite the people, the Free-Soil people—the "free people," as he called them—in Kansas, to rebellion and resistance to the law. That seemed to be his first object. His second object was, to assail and vituperate my respected friend and colleague, [Mr. BUTLER;] to heap all the opprobrium he could on the slave States generally, and the State of South Carolina in particular. To this, sir, was added the further object of magnifying, as far as in him lay, the present condition, and former, and particularly the revolutionary, services of the State of Massachusetts. Now, sir, upon each of these subjects I have something to say—very little, indeed, in relation to Kansas. Sir, my heart bleeds at the unhappy condition of that country. The efforts which have been made, from the time of the passage of the Kansas bill, to defeat its operation by means which I believe originated in this Hall, have been incessant and without any remission. Mr. President, I am an old man; and for the last thirty years of my life, the business of it has been to endeavor to arrive dispassionately at just conclusions. I am too old to be excited by party conflicts. I have therefore endeavored to turn my attention to this subject as dispassionately as I could; and the deliberate judgment to which I have come is, that if the people of Kansas—the pro-slavery and anti-slavery party—had been suffered to act for themselves, the unhappy condition in which that country is now placed would never have existed. But, sir, the politicians—those who live by excitement—would not let this matter rest. I have no doubt you will remember, sir, that before the Kansas bill was passed, hundreds of thousands of pamphlets were distributed through this land, for the purpose of exciting the public prejudice against it. It was branded as a fraud, as a swindle, as a breach of faith on the part of the South. Those pamphlets were echoed back by the remonstrances of three thousand New England clergymen, and laymen without number.

Mr. President, I beg to ask what was this plighted faith which it is charged that the South violated in the Kansas bill? What was it? It was simply the repeal of the Missouri restriction—I do not call it compromise, because it partakes of nothing of the nature of a compact or compromise. Well, sir, what was that Missouri restriction? I do not propose to enter into a discussion of it. I desire simply to say that it was an act of Congress. When Missouri came here requiring admission as a State, objection was made that she was a slave State. Missouri had a right, I presume, to decide this matter for herself. She was settled mainly from Virginia and other slaveholding States. Slavery existed there extensively, and had existed there before the purchase of Louisiana, of which it was a part. Well, sir, for the sake of peace, after there had been much discussion on the subject, the South, headed by Mr. Lowndes, agreed that Missouri should be admitted, and that after that time no slavery should exist beyond a certain line. As I said before, this was a mere act of Congress. The North gave nothing for it. They had no right to object to the admission of Missouri as a slaveholding State. It was usurpation in them to pretend that they had a right to exclude her. If, then, the North had no right to object, she gave nothing for this plighted faith of the South, as it is called. It was simply an act of Congress, subject to repeal whenever Congress thought proper to repeal it.

If, sir, there was any inducement on the part of the South to assent to this Missouri restriction, it was the belief, which they had a right to expect, that the slavery agitation should cease. They had surrendered a portion of their territory, that to which they had as good a title as any other portion of this Union, and they had a right to expect that the slavery agitation would cease. If anybody has a right to complain of this breach of faith, it is the South. The slavery agitation has been continued from 1820 up to this time; there has been no remission in it. If it has partially died out on some occasions, the first oppor-

tunity which presented itself has been seized to revive it with still greater virulence.

Mr. President, I do not propose to go further on this subject. It has been so often discussed that it would be an unnecessary waste of the time of the Senate for me to attempt to discuss it again; but this agitation seems to have arisen out of the question of slavery; and on that I have something to say, though but very little. Sir, the South—the slave States—are not propagandists; they are content with their institutions as they are; they are content with that form of civilization which exists amongst them; they desire not to extend it to New England or to any other portion of the United States, who do not choose to receive it. But, sir, whilst they are willing to do this, there is nothing in their nature, and there is nothing in their institutions, which inclines them to submit tamely to any aggressions on their rights. If slavery be a sin, it is ours, and we are willing to bear it. Neither New England nor any other section of the country comes in for any participation of it. If, as has been said, it is an incubus on the advance of civilization—if it is an incubus on the energies of any people—that incubus rests on our people, and does not paralyze any other section. If we are willing to bear it, why should others desire to relieve us of that of which we do not complain?

But it is said, "You are not content to keep your institutions in your own section, but you desire to extend them to Kansas." Well, sir, if we desire to extend them to Kansas, have we not a right to do so? Does not Kansas belong in part to the Louisiana purchase? Did we not pay equally—I do not say we paid more—but we paid our full share of the price of that country. If gentlemen wish to know why we particularly desire to have Kansas, I can tell them. If the slavery agitation had ceased, and if, after the Missouri compromise, those who live in the free States would have been content to allow things to remain as they were, there would never have been any movement to change that understanding between the two sections of the country. But, sir, no sooner had they succeeded in placing the Missouri restriction on our settlement of that northwestern country, than both Houses of Congress were flooded with petitions to abolish slavery in the District of Columbia, to abolish what was called the slave trade between the States, and, more than that, to abolish it in the forts and garrisons and every other place over which Congress had any jurisdiction. Did I not hear the Senator from Massachusetts [Mr. Wilson] say, that it was the intention of his party to abolish slavery in the Territories, in the District of Columbia, and everywhere else where they had power? If they will abolish it wherever they have the power, they will get the power whenever they can. The same spirit which would exercise the power will get the power whenever it can. Let any man cast his eye on the map of this immense domain, extending from the Atlantic to the Pacific ocean, and he will see a space there, outside of the existing States, abundantly large to make States enough to give the gentlemen what they desire. Whenever you have sixty States in this Union, three fourths of them can alter the Constitution, and abolish slavery everywhere. You have thirty-one now; you want only twenty-nine. Where are they to come from? Kansas and Nebraska can make six; New Mexico will make half as many; California may be well divided into three States; and there is no doubt of the fact, I venture to say, that within the next forty or fifty years it will be accomplished—that the Indians will be driven out, and those large territories, extending from the Atlantic to the Pacific, will be divided into States of this Union. Was it strange, then, that the South should be alarmed at this state of things? I did not hear it; but I have understood that, in 1850, a Senator here from one of the free States said their object was to build a wall around slavery—a wall of freemen, to render slave property unproductive, and to force its emancipation.

Mr. BUTLER. "Cordon," was the word.

Mr. EVANS. Well, sir, Kansas, although it is but one State when added, will be good against three more. And was it strange, then, that the South should desire possession of Kansas merely as a guarantee? There is no pretense that they can occupy any other portion of that immense region. Everybody knows that slavery will not do for a farming country merely. It is of no value in a graining country; it is of no value in the mechanic arts; it can only be used to advantage in the cultivation of the great staples. There is no pretense that any one of the great staples that constitute the great material of our foreign commerce, can be cultivated anywhere within the limits of these Territories outside of the Territory of Kansas. I ought, Mr. President, to say, in this connection, that, although I have expressed our fears as to the future, yet, with such gentlemen as I see around me from the free States, I have nothing to fear. I know that the honorable Senator from Connecticut [Mr. Foster] would do no such act of foul injustice as to interfere with slavery in the States. And if the question was to-morrow, whether the Constitution should be altered, and this great and crying wrong perpetrated, he would not do it; and I can say the same of many others whom I see here to-day; but can I forget, or can anybody forget, what is the progress of this thing? Why, sir, was not Daniel Webster refused the use of Faneuil Hall because it was supposed he had expressed some degree of toleration for the institution of slavery? What guarantee have I—what guarantee can anybody have, that, in twenty or thirty years from this time, those who are here now will not be elbowed out as they have been in some of the States by some more illiberal persons than themselves?

These, Mr. President, are the reasons why we desire Kansas; but it was not allowed. The very instant it was opened to the slave population, that instant there sprung up a contrivance—a machinery was set in operation of which I do not choose to speak—the object of which was to defeat this act of Congress, and, as was said by the Senator from Massachusettss, to devote this Territory to freedom. Well, sir, if they can devote it to free population in the ordinary way, without the use of this new scheme of immigration of which he spake—and which I suppose is that which has been in operation—if they can get possession of it without resort to this new scheme of immigration, we cannot object; I, for one, would not object.

Mr. President, I now propose to submit some remarks on this hated subject of slavery. Sir, I am not frightened by a name. A wise legislator looks to things as they are; and he who would legislate for this great Republic must look to it as it is. A state of things exist here which, perhaps, exists nowhere else; but it is here, and you must deal with it as a wise and honest man should. I do not mean in any remarks which I shall make to reproach Massachusetts, or any other State or section of the world, on the subject of the slave trade. It is true that, at least so far as South Carolina is concerned, we participated very little in it. Some few ships were fitted out in Charleston, but I doubt if a native of the State ever had any participation in it. But, sir, I reproach nobody for it. At that period in the history of the world, it was thought right. There was the concurrent testimony of the civilized world that, to capture the wild savage of Africa, and reduce him to a state of subjection, to feed and clothe him, and civilize him, and Christianize him was no wrong? I say, therefore, that I reproach no man for it. We followed only the popular sentiment which prevailed in the world. But, sir, I think we have a right to complain, and it is the only complaint on this subject I have to make, that, if others have gone before us, if we have been outstripped in finding out that this system was wrong, those persons who have been thus fortunate will let us alone until we ourselves become sufficiently enlightened to concur in their opinion. This, we think, we have the right to ask; this is all we do ask.

I propose to enter into no ethnological inquiry about the unity of the races. My own opinion, my own judgment is, that we are all one—probably descended from a common ancestor; but that is very immaterial. We find men different on the face of the earth—as different as they would be if they were not descended from a common ancestor; but in relation to the African, no man in this House, and no man out of it, can say that there is any corner of this earth, upon which the African race are as well off, as well provided for, with more of the elements of happiness, than in the slave part of these United States. I assert it without the fear of contradiction. I know not from whence it has come; but this I know, that the Africans were slaves in the days of the Pharaohs; that nine out of ten of them are slaves in their native land; and that in no country of which I am aware are they received upon an equality with the white race. In confirmation of the fact which I have just stated, that nine out of ten of them are slaves in their own country, I beg leave to refer to an incident in Park's travels in Africa. In the year, 1796, after having visited the interior, when he returned to the coast of Senegal, finding no vessel bound for Europe, he took passage in a slaveship, bound for Charleston. In that ship there were one hundred and sixty Africans. Having been a year in their country, he understood their language, and was able to converse with them. He found that, of the whole one hundred and sixty, only four had been born free. The rest were slaves. If any man desires to know what is the state of slavery in Africa, let him read Park, and Lander, and the recent book of Captain Canot.

Many of the negroes at the South are intelligent, although they have not much mental culture—certainly very little that is derived from books. They are an improving people—improving in intelligence and in morals. I have no doubt that the time will come when God will work out his own problem in relation to Africa. Carlyle says, I think with some truth, that all the great events in the history of man have generally been produced by a single individual, or by but very few; that the great reformation in religion was produced by Luther; that Cromwell and his associates in England produced a wondrous change in the notions of mankind, in relation to civil and religious liberty; that a new impetus was given to this ball by the American Revolution, of which Washington was the chosen instrument of Providence to accomplish. Sir, for aught I know, it may be that, in the providence of God, in his own proper time, a deliverance will be worked out for this race. At present they are not fit for it, but they are going on in improvement, both mentally and morally. Of one thing I am sure—when that time arrives, some more fit instrument will be used than those who have now thrust themselves into this business, prematurely, and in a manner wholly uncalled for. I doubt very much whether Parson Beecher will be a chosen instrument in the hands of God for the purpose of effecting this or any other great and beneficial change in the affairs of mankind.

Sir, as I said before, I am not frightened by names. I am not alarmed by the fear that I shall be held up in some future fourth of July speech, or some college oration, or in the columns of some filthy newspaper, as the advocate of slavery. That has no terrors for me. I stand here to legislate for this country as it is. If the institution of slavery be an evil, to whom is it an evil? Is it to the master? What injurious effect does it produce upon him? Is he not as much of a gentleman, is he not as moral a man, is he not as pious and religious a man, is he not as distinguished for all the cardinal virtues as the people of any country on the face of the earth? If he is not, I have not found out the fact.

If it be an evil to the African, where, I ask, is his condition better? Is it in Africa? Let Park and the travelers in that country answer the question. Is his condition better in Hayti or Jamaica? Let those who desire correct information on that point go to some fountain of truth, and they will find it. I would recommend every man who embarks in this controversy with the hope of bettering the condition of the African, to read the letter of Governor Wood, of Ohio. On his way to his consulate in South America he stopped at Jamaica. Let any man read what he says, and compare it with what he may see at the South—not what he has read in Mrs. Stowe's novel—and he will find the truth of what I assert, that the condition of the African is better in our southern States than in any of those countries in which he has been emancipated.

I ask, further, is his condition better in the East? Is a free negro in New England as well off as a slave who has a good master? and nine out of ten, I believe I might say ninety-nine out of a hundred, are good masters. Let the facts speak for themselves. Look at the census. Although

emancipation has been going on, and fugitives have been flying to the free States, the census shows that, in the slave States, the slave population has increased infinitely beyond the increase of the free people of color, with all these appendages, in the free States. If you go to the records of pauperism and poverty, what do you find? You find that he is a being infinitely more degraded than the white man. In 1850, in the State of Massachusetts, with a population of over 900,000 white inhabitants, there were 389 convicts in her penitentiaries, and 47 black convicts out of a negro population of 9,000. In Connecticut, there were 146 white and 30 black convicts in her penitentiary. In New York, you find the same disproportion.

The result is, that in Massachusetts there is 1 white convict out of every 2,522 whites, and 1 black convict for every 262 negroes. In New York, there is 1 white convict in 2,056, and 1 black convict in 142. In Virginia, there is 1 white convict in 5,570, and 1 black convict in 11,600. I do not suppose that these figures present exactly a correct statement in relation to Virginia, for I suppose the slaves there are not punished in such a way as to exhibit in prison returns the full result of crime. I presume they are punished, as in South Carolina, in some summary way of which no special record is kept; but, so far as Massachusetts and New York are concerned, the question is settled beyond all controversy.

The rapid increase of population in the ordinary way is looked upon by all writers as one of the strongest evidences of the bodily comfort at least, of the subjects of it. Crime and pauperism are the fruits, not of comfort and independence, but of want and destitution. The fact, that in Massachusetts there is 1 white convict out of 2,522, and 1 black convict out of 262, exhibits a state of things, showing beyond all question that in those regions of boasted freedom the black man is in a sad condition.

I am sorry, sir, that necessity compels me to speak of the absent Senator from Massachusetts. I do not intend to use his own language, or to be unmindful of what is due to myself, but I have to speak of his facts. What could be the object of the wondrous tirade which we heard from him about freedom? Does he mean that, in the state of things which exists in this country, he thinks it desirable to turn loose three millions of Africans? If he does, he means what few people besides himself—few considerate people—would suppose to be practicable. The Senator from Massachusetts, [Mr. Wilson,] who is present, has defined his position. He disclaims any right to interfere with slavery in the States. It is a fair inference, as I have already remarked, that, though he is now restrained by the Constitution, he would do it if he had the power; but in that I may do him injustice. The other Senator from Massachusetts [Mr. Sumner] has never, I believe, defined his position on this point. He has never said—in fact the contrary is to be inferred—that the Constitution affords us any guarantee. I suppose, then, (to borrow a manufacturer's term,) that he belongs to that *stripe* of the anti-slavery party who deny that the Constitution has guarantied slavery, and who contend that Congress has the power to abolish it, and is in duty bound to exercise the power as soon as it can. This is the doctrine of Garrison, and of some papers which are sent to me every day—among the rest, one called the Radical Abolitionist. If such be the Senator's views, I can only say that they are utterly impracticable. I shall not waste the time of the Senate in discussing such a scheme. If it is to be done on payment of the value of the slaves, $1,000,000,000 will not pay for them. If they are to be emancipated and sent to Africa, that sum will not pay the expense of their transportation and maintenance there until they are able to maintain themselves. If the object of that party be to emancipate them, and leave them in the States, it requires no sagacity to see what will be the result.

Sir, between the white man, North and South, and the black man, there is a deep, an impassable gulf. It is as manifest at the North as at the South. In 1847, I traveled through New England and New York. I was ten days in Boston and three weeks in New York. During all that time I never saw a negro at work. It is well known there that a white man will not work with him. This with some people is the objection to allowing slaves to go to Kansas. They say the white man will not work with the negro. If there be any man who in his senses believes that the negro's condition would be bettered by emancipation now, I have never met him, unless he be one of those whom I have seen and heard on this floor. I need not say, what is obvious to everybody who knows anything about the matter, that his condition would be infinitely worse.

If these declamations about freedom, and these commiserations for the poor negro's condition, have any meaning—if they are to result in anything, I should suppose they would result in something to better his condition. Now, will his condition be bettered? No man, I think, will rise here in his place and say that it will.

But another fruitful subject of declamation—the Senator from Massachusetts spoke largely about it—is, that we send little children to the auction block—that we part husband and wife. I can inform him that this act which he thus justly denounces is as much denunciated in the State of South Carolina as in Massachusetts. Sir, I live in a slave country; I live in a district in which the slave population exceeds the white by two thirds; and yet I affirm here, that I have never known an instance in which a separation has been made between husband and wife, or, as I have heard, mother and her children. If gentlemen will look at the census, they will see that by far the greater part of the slaveholders own from one to ten slaves. When you come, on the partition of estates, to divide that number between families, there must necessarily be some separation; but as to putting them on the block, and selling them to anybody who may choose to buy, I never heard of it; I never knew it; and I do not believe the popular sentiment in any part of South Carolina would tolerate it for a moment.

In this connection I may say that the man Legree, who has been held up as the model of a slaveholder, is no more a representative of the slaveholders of South Carolina, than a Mas-

sachusetts man, by the name of Knapp, is of the morals of Massachusetts. Knapp was the nephew of an aged and respectable old gentleman who had once been a member of the House of Representatives, who was eighty years of age, and in the ordinary course of nature could have lived but a few years. His nephew was so greedy to put his hands on his property that he hired an assassin to enter his chamber at midnight and murder the old man in his sleep. I quote not that as a model of Massachusetts morality, but it as fairly represents Massachusetts morality as this fellow Legree does the slaveholders of the South.

I am sorry to say—but it is necessary that I should say, that whatever opinion a northern man may entertain at home upon the subject of slavery, I have never known any qualms of conscience to disturb him when he came to the South, and succeeded to this kind of property, either by purchase, inheritance, or marriage. I have never known any man who came among us, no matter where he came from, who, if he removed into a free State, did not put the value of his slaves in his pocket, and go off with a quiet and peaceable conscience. I do not blame anybody for this. If what I have stated of the condition of these people when free be true, he would have done them an injustice by emancipating them. If he had carried them to New England or New York, the strong probability is that the penitentiary would have been their doom.

It is very easy to be humane at other people's expense. I have known two or three fellows who went from South Carolina to free States, and turned Abolitionists. I knew an exceedingly clever young man, as I supposed him to be, who removed to Mississippi, and there sold his negroes at $1,000 round. He went to Ohio, and the next I heard of him he was figuring there in an abolition meeting, very denunciatory of the slaveholders. There was another man who went from my State, who was a Baptist preacher, who had a large number of negroes. He sold them, and carried off his money; and the next thing we heard of him was an entire mailbag full of abolition pamphlets, sent by him to his friends in South Carolina. But, sir, he had the money for his slaves in his pocket, and he never disgorged it.

There is an extraordinary case connected with this subject which it is right that I should state. It has some peculiar significance. In the year 1839, a Mr. Ball, who was a rice planter on Cooper river, at the mouth of which the city of Charleston is built, took passage with his wife, who was a New England woman, and, as I have always understood, an exceedingly clever lady. It was the misfortune of this gentleman and his wife, that the steamboat in which they took passage, the Pulaski, was lost off the coast of North Carolina; she broke in two on the high sea; and, with the exception of three or four persons, all perished who were on board, and among the rest this gentleman and his wife. He left a large estate. Who was to get it? Mr. Ball had made a will, in which he made a large provision for his wife. The question was, did she survive him? If she died first, it was a lapsed legacy; if she survived him but for a moment, the legacy was hers, and would go to her heirs.

The case of which I am speaking is known as the case of Pell *vs.* Ball. Mr. Pell, who I believe lived in New York, had married a lady who was perhaps the sister of Mrs. Ball, or, at any rate, one of the heirs. He and the other heirs of Mrs. Ball filed a bill in the court of equity for the purpose of having the benefit of this legacy. The chancellor decided, on the evidence of a Miss Lamar, of Georgia, a very extraordinary young woman of unusual fortitude and presence of mind, that Mrs. Ball survived, and therefore these claimants, as her heirs-at-law, were entitled to the legacy. That settled the right; and the property, consisting of over one hundred slaves, was ordered by the chancellor to be sold by the master.

Another gentleman, who was equally entitled with Mr. Pell, attended the sale; and, as I learn by some papers which I have here—for I was not there on the day of sale—among the negroes to be sold was a negro man named Frank, with his family, consisting of a wife and eight children. It is the uniform order and direction of the court of equity, that negroes shall be sold in families. This negro man had been the favorite body servant of Mr. Ball. This other gentleman held some conversation with him on the day of sale. In that conversation it was understood that he promised the negro that, if he would consent to be sold separate and apart from his wife and children, he would provide for and take care of him. The woman and the children were put up and bid for by Mr. Lowndes, a brother-in-law of Governor Aiken, of the House of Representatives. He bought them, not for himself, but for his overseer. Under the impression that this contract was to be carried out in fairness and in good spirit, the negro man Frank was put up, and bought in by the agent of this other gentleman.

Everbody supposed that this was all right and fair; but, to the utter amazement of the people, within two or three days afterwards, this man Frank was offered for sale to anybody who would buy him. There was indignation expressed about it which this gentleman could not resist. He then sold him to Mr. Lowndes, but still must have fifty dollars for his profit. He pocketed his fifty dollars and his share of the proceeds of that sale, and he returned home. Now, if any one desires to know who that man was, the letter which I send to the Secretary's desk, and ask to have read, will disclose.

Mr. CLAY. Was he a northern or a southern man?

Mr. EVANS. You will learn that when you hear the letter read.

The Secretary read, as follows:

CHARLESTON, *June* 10, 1856.

MY DEAR SIR: Yours of the 4th instant, inclosing Mr. Tiffany's letter, has been received. The facts of the case of Mr. Albert Sumner are substantially correct as stated in Mr. Tiffany's note. In a conversation with Mr. Tiffany, when I had the pleasure of seeing him here in February last, alluding to the fanatical and political ravings of the Abolitionists at Washington, I expressed the opinion that they were actuated by political and sectional jealousy, and not by motives of philanthropy, and I incidentally mentioned that the instances of the separation of families, so often rhetorically described, was generally by the agency of foreigners, who were devoid of that sympathy which exists between the native-born slaveholder and the slave. In illustration of my position, I stated to Mr. Tiffany that the most inhuman and revolting case of the separation of families (recently and eloquently alluded to by the Hon. Charles Sumner, "to separate husband and wife, and to sell little children at the auction-block") that had ever come under

my observation in the course of an experience of upwards of half a century, was one in which Mr. Albert Sumner, the brother of the Hon. Charles Sumner, was chief agent.

[Applause, and laughter in the galleries.]

Mr. STUART. Mr. President, I insist that the Chair shall preserve order. If it is necessary to clear the galleries, I hope it will be effected for once, so that people may know what belongs to the proprieties of the Senate. If the Senate is to be turned into a theater, let us know it. I would be glad at this time if the Chair would exercise the authority which belongs to him to clear that part of the galleries from which the noise emanated.

Mr. WELLER. That would certainly be very unfair. There could not be more than two or three persons engaged in the disturbance, and I should hate very much to see the whole gallery cleared because there happened to be two or three disorderly persons in the Senate Chamber. It is rarely you will find so large an assemblage as this that does not contain some persons who do not know how to behave themselves If the applause had been a general thing, it would be proper to clear the galleries; but it was confined to two or three persons—not more than that—and I hope, therefore, that no notice will be taken of the matter, and that there will be no further disturbance in the Senate.

The PRESIDING OFFICER, (Mr. BIGLER in the chair.) The Secretary will proceed with the reading of the letter.

The Secretary continued, as follows:

Upon Mr. Tiffany's expressing much surprise, I told him that I was present on the occasion; that if at any time he should think proper to mention the fact, he might give me as his authority. Being referred to, I will, in conformity with your request, furnish you with the details as far as my memory serves me. In the winter of 1844, Mr. Albert Sumner became entitled by marriage to a distributive share of the estate of Mr. and Mrs. S. Ball, of this State, by a decree of the court of equity in the case of Pell and Ball. At a sale of the negroes, in pursuance of the order of the court, I was present, and remarked that Mr. Sumner was very active in the management and arrangement of the sale. Among the negroes was a man servant remarkable for his fidelity to his former master, who by the officer of the court was advertised to be sold, as is customary, with his family. Our friend, Mr. Charles T. Lowndes, proceeded to the sale with the intention of purchasing the aforesaid family, (for his overseer,) but to the surprise and indignation of Mr. Lowndes and the other bystanders, it was discovered that the father had been withdrawn and sold separately from his family, *by the direction of Mr. Sumner*, under promise, as was understood, of great indulgence in consideration of his past services. Under these circumstances he was purchased by Mr. Sumner or his agent at a moderate rate. But in a very short time afterwards he was offered for sale by Mr. Sumner to more than one gentleman at a *price much beyond* that at which Mr. Sumner had purchased him. But these gentlemen having refused to aid and abet a speculation so monstrous, and Mr. Sumner having ascertained that Mr. Lowndes had purchased the family, offered the servant at a *price beyond* that at which he had purchased him. Mr. Lowndes finally acceded, having the satisfaction of restoring the father to his family. It is a circumstance worthy of being mentioned that, in replying to Mr. Sumner, Mr. Lowndes, with the feelings which fill the bosom of a slaveholder who feels himself to be the protector and benefactor of his slaves, took the occasion of expressing, in a letter, (which he submitted to Colonel Ashe and myself,) his denunciation of the proceeding in terms that would have aroused a southern gentleman.

The above, as far as my memory serves me is a true and unvarnished account of the case to which Mr. Tiffany alluded. The circumstances are impressed upon my memory from the fact of my having been particularly acquainted with them at the time, having been in consultation with Mr. Lowndes, and as events which do violence to one's feelings are calculated to make an impression.

I will call upon Mr. Lowndes for a statement of the circumstances, as far as he recollects them, and I may probably delay this to go simultaneously with his.

I am, dear sir, with esteem and respect, yours truly,

WILLIAM B. PRINGLE.*

HON. WILLIAM AIKEN, *House of Representatives.*

Mr. EVANS. On that letter I have no comment to make, and here I take my leave of the subject of slavery.

Sir, I have been at the North. I have seen much, very much, there to admire; I have seen some things that I should be glad my countrymen would avail themselves of. I doubt not, if northern gentlemen (I believe very few—none but invalids and commercial men—ever visit our country) would come among us, and see our institutions—if they were to see how practically this form of civilization operates there, very much of their prejudice would be removed.

There is nothing that I look upon with so much horror as the sectional jealousy which is fanning every day, and will shortly be fanned into a blaze, I fear, between the two sections of the country There is nothing that I could do, consistent with duty and consistent with honor, which I would not do to prevent it. I am no prophet; I would avoid, as far as I can, to look into the dark future which these things seem to indicate. I have often had occasion to say that I am a hopeful man; that I never look upon the dark side of things if I can possibly avoid it; but it is impossible that I should conceal from myself what the poet says, that

"Coming events cast their shadows before."

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* There are several other letters to the same effect.

FROM THE

HON. ROBERT M. T. HUNTER'S SPEECH,

DELIVERED IN THE SENATE OF THE UNITED STATES, JUNE 24, 1856.

On motion of Mr. BUTLER, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 172) to authorize the people of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population.

Mr. HUNTER said: Mr. President, it was with deep regret that I first saw the announcement of the passage of those resolutions by the Legislature of the State of Massachusetts. I was concerned to see that great State interpose for the purpose of converting what seemed to me to be a personal dispute into the magnitude of a public quarrel. In the history of the two Houses of Congress since the institution of this Government, there have been many instances of personal collisions in which members have been engaged, arising out of words spoken in debate; but so far as I am acquainted with their history, this is the first case in which any State has interposed for the purpose of taking part in such quarrels. When Mr. John Quincy Adams, of Massachusetts, was President of the United States, his Secretary of State challenged a Senator from Virginia for words spoken in debate, and the quarrel thus made was not settled until two shots had been exchanged on the ground. The Legislature of Virginia did not interpose for the purpose of demanding of the Senate to protect the privileges of its Senator, or to shield him from the consequences of his speech; but, on the contrary, it was content to leave him to meet all his personal responsibilities, under the belief that he would be able to defend himself. There have been cases in which members have fallen at the hands of each other for disputes arising out of debates; and yet I know of no instance before, in which the Legislature of any State has stepped forward to prejudge the case, and to pronounce the sentence which is to be given.

I can see no consequence so likely to flow from this attempt, in the present instance, as that of exasperating the unfortunate sectional dispute which is now raging in the country. But, sir, that was not the only thing in these resolutions which excited pain and regret in my mind. I was concerned to see that, when the State of Massachusetts sat in judgment on this case, it had nothing to say by way of rebuke to its Senator for the offensive language which he uttered, not merely towards a majority of the members of this body, or towards certain individuals who were in it, but towards all the slave States, and particularly towards the States of South Carolina and Virginia. Not only did she have no word of rebuke to offer for such a speech—a speech which called out from the venerable Senator from Michigan [Mr. CASS] the declaration that it was the most unpatriotic and un-American speech he had ever heard on this floor—not only, I say, did she have no word of rebuke to utter for the offensive personalities of such a speech, but she actually indorsed and encouraged them, for she returned him her thanks for having made them; for in no other light can we regard her resolution "approving" of Mr. SUMNER's manliness and courage in his earnest and fearless declaration of free principles, and his defense of human rights and free territory.

Mr. President, so long as the attacks on my State emanated from a single individual, I had nothing to say. Virginia can live under the taunts of any individual, I care not who he be; and portentous indeed would be the day, if it should ever arise, when can be said, the

> "Falcon, tow'ring in her pride of place,
> Was by a mousing owl hawk'd at, and kill'd."

But when a State of this Confederacy comes forward to indorse the attack, and to thank the person who has uttered what I conceive to be a slander, it appears to me that I owe it as a duty to my constituents and to myself, as well as to others who may be concerned, to examine into the foundation upon which this accusation has been so unnecessarily and unprovokedly made against my State.

I pass over the personalities towards friends of mine on this floor—towards myself even, so far as I am included in that majority who voted for the Kansas-Nebraska bill, and towards the slaveholding States in the generality, to which I belong; and I come to the specific attack on the State of Virginia, which I understand the State of Massachusetts to indorse and approve. The Senator from Massachusetts, [Mr. SUMNER,] speaking of my colleague, said:

> "He holds the commission of Virginia: but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington, by which independence was secured; but he represents that other Virginia, from which Washington and Jefferson now avert their faces, where human beings are bred as cattle for the shambles, and where a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life. It is proper that such a Senator, representing such a State, should rail against free Kansas."

The foundation upon which this accusation rests—and it has not even the poor merit of originality with him who has last made it, is the fact that slavery, and as a consequence of it the slave trade, exists in the State of Virginia—that is to say, slaves are not only held in bondage, but, being treated as property, it follows as a consequence that they are sold from one to another. These are the facts upon which the attack is based. The coloring in which it is dressed up depends on the fancy or the taste of him who may happen

to use the brush. I say it has not even the poor merit of originality, but it is a stale and hackneyed reproach in the cant of all the abolition newspapers. It was made by a distinguished scholar and rhetorician on the other side of the water, who assailed the States of Virginia and North Carolina for what he called the domestic slave trade—a man who, though distinguished for his felicity in picture writing, too often mars its effect by the extravagance of the coloring which he uses—I mean the celebrated Macaulay. The foundation on which this rests is, that owing to the fact of the juxtaposition of these two races on our soil, slavery has flowed from it as a necessary incident. These are circumstances of long standing, and for which we are no more responsible than those who accuse us. History proves that, so far as Virginia was concerned, this institution was fastened upon her against her remonstrance by the British Government. History also shows, and the Senator from Massachusetts confesses, the complicity of his State in his speech, that the slave was sold to us in great part by the men of Old England and New England; and surely the buyer could not have been more responsible than he who sold to him.

Now, sir, out of the fact that these races have been standing together side by side in great numbers in the relation of master and slave, it has followed that the happiness of both races requires that this relation should be kept up. This has been proved by the experience of the British Government itself; and if there were no such experience, it could be proved by any one who knew how to reason upon the principles of human nature. Turn them loose to-morrow side by side, and you would see the black race perishing in the fierce competition which would ensue with the superior and white race, which was dominant around it. You would see either that, or you would see that as they increased in numbers, and population began to press upon the means of subsistence, the white man would leave the country and abandon some of the fairest portions of this continent to the occupation of the negro. We know that from the experiment which has already been tried. I may say that human nature and the experience of States around us both teach us that, although the slave would be nominally emancipated, he would in fact be in far worse bondage than he was held before. He would have not one, but many masters; and instead of having some one person who was responsible for his protection, who was linked to him, as all persons are who inherit slaves, by the ties of a certain sort of family connection, he would belong to every white man, and nobody would be responsible for the treatment by which he was crushed. I say this is proved, too, by the experiment which has been tried by the English Government itself in the West India Islands. We know that if a similar experiment were tried here, its effect would be to substitute barbarism for civilization, and that the wilderness and waste would begin to encroach at once upon the cultivated field.

We know, on the other hand, that under this institution of slavery we can present more than three millions of African negroes who exhibit a greater degree of progress and improvement, of happiness and virtue, than the same number of that race who can be found under any other Government or in any other clime. I say, then, that we can point to all these things to prove, and to show, that the holding of these men in bondage is the necessary result of those circumstances which originated out of the action in part of Old England and of New England herself. Now, if we can show that the preservation of this relation inures to the benefit both of the white and the black race, and that to destroy it would effect a cruel injury to each, do we not show what justifies us in holding them in that condition? Do we not give reasons which prove that it is our duty to do so?

By what right, then, does any man reproach us for doing that which places the society of our country in the very best possible position? Sir, the statesman is not responsible for not attaining the greatest ideal good. He is responsible for not doing the best under the circumstances; and he who has done that has discharged his full duty to his race and to his principles. Are we to say, we will put down any organization, social or political, in which we find individual cases of evil and injustice? What social system or institutions would stand?—what government on the face of the earth could endure for a minute, under such a doctrine? We know that in the great scheme of creation itself, framed by an all-powerful, all-wise, and all-good Being, evil exists. He permits it, and why, we do not understand; but he does not destroy the works of his creation on this account. We know that, in any form of society which could be organized, evil must exist; and to reproach a statesman or a people because in their institutions they may not have attained perfection, is to demand of them more than is possible for human nature. All that they can be required to do is what is best under the circumstances. He who demands more, and makes war upon all Governments in which more is not effected, is an enemy of his race, and a disturber of the peace of mankind—a man to be ranked, not with the statesmen, but with the madmen of the world.

Now, sir, I ask if both reason and experience do not prove that to retain these two races in that relation on our own soil is the very best thing which can be done for them? But, Mr. President, the mischief of the attempt to turn these slaves loose, for the not doing of which we are thus reproached both abroad and at home, would not be confined to the two races on our soil; it would extend to those very countries which hurl these reproaches at us, and to the whole civilized world. There are probably as many people outside of the slave States who derive profit and existence from the proceeds of slave labor, as are to be found within them. On the great staple of slave-grown cotton, it is now estimated that nearly, or quite, three million British subjects depend for their subsistence. I take this from the recent declaration of the Manchester Peace Society, and I have seen a similar declaration before. When we come to add the number who depend on the other slave-grown staples, not only in Great Britain but in all Europe, and in the free States of our own Confederacy, we should find, I believe, that there were more depending for their existence on the institution of slavery, and its profits, outside of our slaveholding States than within them. We

should find, probably, if we could pursue the inquiry strictly and accurately, that Massachusetts herself is more interested in the profits of slave labor, and subsists a larger number of people upon it, than do, perhaps, the States of Maryland or Missouri, or even some other slave States which I might enumerate.

Not only this; but those who thus make slavery profitable by creating the demand for the products of slave labor, are as much responsible for the institution as we are who own the slaves. The deadliest blow that could be dealt to slavery would be to refuse to receive the products of slave labor. Do that, and you destroy the demand which makes it profitable. Do that, and, so far as Old England or New England are concerned, you would do it at only a pecuniary expense; but it would cost us not merely money, but our social and political happiness. They could do that at a mere pecuniary expense; but will they do it, or have they done it? Why, sir, it is a little remarkable that, in this very philippic which Macaulay uttered against the institution of slavery in Virginia and North Carolina, he was engaged in the work, in which he succeeded, of repealing the discrimination against slave-grown sugar, which had been made for the benefit of their own colonies, upon whom they had forced emancipation. He not only made it to force the repeal of that discriminating duty, but he succeeded; and England did repeal it, notwithstanding the obligations which she owed to her colonies, on whom she had forced this harsh measure, to give them, at least, that advantage in her own markets.

If we examine the history of the institution, we find, as I have just endeavored to show, from its commencement to the present period, that those who now reproach us are as responsible as we. In the first instance, they sold the slave and we bought him. Now, we sell the products of his labor and they buy it. The complicity is the same; the process is reversed. It has been said, sir, and well said, that the judgment of him was to be commended,

> "Who sent the thief that stole the gold away,
> And punished him who put it in his way."

Upon that principle, I submit that, if there be guilt and if there be wrong in maintaining this relation, they are as responsible for it as we are. But in point of fact there is no guilt either in the one or in the other. The wrong is in converting that into a matter of reproach against us which is not properly the subject of reproach, and for which, if it were, they are as much responsible as we are.

Mr. President, it is said that slaves are sold as chattels and as property from one to another in the States in which the institution is tolerated. I know that this presents a splendid field for declamation; and if I had not known it before, I should have known it after following Macaulay in his display upon this subject. I know that individual cases may be selected, some of which are real, and some of which are imaginary, in which hardships and misery may be shown; but notwithstanding all that, I say the practice of selling them from one to another, and the slave trade itself, is the very safety-valve of the institution, so far as both races are concerned, in the South. It is owing to this that the slaves have been able to make the progress which they have done. It is through this process that they acquire the means and facilities for emigration which are necessary for the improvement of every race that has ever made any improvement in the history of man. The stronger races satisfy this necessity of their condition by armed emigration; the weaker are made to do it by forced emigration; and history shows that the African has performed his share of that process, from an age beyond the date of the pyramids, in the caravan of the slavetrader. Some of the very routes which he then traveled are pursued by him now for the same purposes and objects as if they had been traced out for him by some inexorable law of nature.

We know from experience that in the southern States it is this which has mitigated the institution and ameliorated his condition; because it is under this, that, when population begins to press on the means of subsistence, he is removed from a place where his labor pays but little to one in which it pays more, not only to the master but himself. Although it may seem to be hard that he should be thus forced to emigrate at the will of another instead of his own, yet, when we come to scrutinize closely the process, we find that the line of emigration which he pursues according to the laws of trade, is precisely that line which he would take if he were to follow only his own interests. Should we not find, if we were to examine it, in the history of the emigration of whites, as many individual instances of misery and suffering, as many cases of separation between members of the same family, as we do amongst the slaves who are thus sold from one State to another? I believe that, if we could trace the matter, we should find that the emigration from the Sutherland property, in Scotland, (Mr. Macaulay's own country,) was as involuntary in its movement and as sad in its consequences to those who made it, as any that ever took place from Virginia or North Carolina to the cotton States south of them. In the crowded population of the Old World, I believe we could find instances of emigration forced by circumstances which would harrow the heart fully as deeply as any that could be referred to in our States.

Why, Mr. President, under the operation of this trade, the effect has been that the moment the negro's labor becomes cheap in one region, and he gets a smaller share of the profits of his labor, he is transferred to another where the profits of his labor are greater, and where, of course, he gets a larger share, and where, in the end, he receives more consideration. Stop that trade to-morrow, and I believe you would inflict the greatest curse on the slave in the South that could be inflicted upon him. Pen him up in the old States, and the consequence must be, either that he must perish under the sufferings of a collision with the stronger race, when population presses too hard upon the means of subsistence, or else the whites will abandon the country, and leave it to the negro and his original barbarism.

Under these circumstances, if this process be one of relief and amelioration to the slave, I ask how is it that it should be the subject of so much reproach to those who permit it, and who find it necessary for the improvement of this very race that they should do so? If in truth it did deserve the reproaches which have been cast upon it—

if in truth Virginia did accusations deserve the which have been thus made, I ask if it lies in the mouth of Old England, and New England, to utter them? I ask if it was out of their quivers that she had a right to expect such an arrow to be directed at her? Have I not shown that they were as responsible as we for the circumstances which make this institution necessary; that if we were the buyers they were the sellers; and that if we sell the product of slave labor they buy it, and contribute their full share to the maintenance of the institution? If they would destroy all trade from which there may be possible evil, why do they continue this, upon which the institution of their attacks depends for its existence?

Sir, in regard to Massachusetts, she was not only glad to receive our assistance in the Revolution, when we both held and sold slaves, but she was willing to admit us into the same family with herself. The men of that day—the men of the revolutionary generation who covered the name of Massachusetts with glory, the generation which produced the heroes of Concord, and Lexington, and Bunker Hill, and gave birth to the sages that illustrated the revolutionary councils, was not only willing but glad to receive Virginia into a family alliance. They were willing to enter into an association by which they bound themselves to put down insurrection in the States—by which they bound themselves to give a certain representation for the slaves—by which they bound themselves to restore the fugitive slave. And here it is to be remembered, that the covenants which they entered into the men of that day always kept. Under these circumstances, after they invited us into that family alliance, I ask if it is fair, if it is rightful, if it is honorable in their descendants to use the common Hall provided for our common deliberations for the purpose of abusing and vituperating us on account of that very state of things of which they had knowledge and cognizance when they entered into this union with us? I ask if they are not estopped by their own deed?

Now, Mr. President, we hear a new doctrine. We are told that the men of the present day are not to be held responsible for the men of that generation, which is branded by one of their descendants with turpitude. It is the Senator from Massachusetts who says, "Is the acknowledged turpitude of a departed generation to become an example for us?" Thus they are not content with hurling accusations against us, but they brand with turpitude the memory of their ancestors who entered into those bonds by which they became members of the great family of States, to which Virginia, too, belongs. Sir, if I am to choose between the generation which gave birth to the heroes and sages of whom I have spoken, and the men who now cast shame on their graves, I say, let me rather commune with the memories of those than walk in the living presence of these. If I am to choose between those heroes and sages, as I said before, who entered into a covenant to restore the fugitive slave, and who kept it, and these latter-day saints, who, whilst they claim all the benefits of the bond for themselves, refuse to execute their part of the compact, because they have discovered some law of higher obligation, which dispenses with the obligation of their oaths to support the Constitution, and discharge its duties, I say, let me associate with the men who made that covenant, and kept it, in preference to those who are breaking it. If I am to choose between the generation of men who, under the guarantee of treaties, under the sanction of laws, transferred the African from a worse to a better condition, and those who, in violation of law and of the Constitution, steal away the southern slave, and transfer him from a better to a worse condition, let me live with the first rather than with the last. If we have enjoyed the respect and affection of that generation which covered the name of Massachusetts with glory, we may live under the taunts of those who strike at the very memories of their fathers, because it is only through them that they may aim a blow at us.

Turpitude, sir! to talk of the turpitude of the generation of men who gave to Massachusetts the fair inheritance of glory which some of their descendants are now wasting so rapidly! When I hear such charges, I pause before the majesty of the silent shadows of those mighty dead, and wonder that a voice is not given to them to speak to those of their descendants who are thus violating their engagements, trampling on their ancient friendships, and casting shame on their names and graves. But, sir, why do I wonder? If such a voice could be evoked from the tombs, and were it to charm ever so wisely, it would fall unheeded on the ear of the fanatical Abolitionist. He will not hear Moses and the Prophets; nor would he hear their voices, even if they could be permitted to speak to him.

But these are not the only charges. We are told of the dungeon to which the pious matron is consigned in Virginia who teaches the slave to read. Sir, I have seen in the State of Virginia thousands of slaves who could read and write; and if there ever was any matron, pious or otherwise, who was imprisoned for teaching them, I have yet to hear the history of the case. I have never known such a case; I do not believe that one exists. I think I have been told, that in one of the States of this Union there is a law making it penal to keep Christmas; but does any man suppose such a law has ever been enforced within the last quarter of a century? Suppose it were so; suppose some such enactments as these charged upon Virginia were to be found upon our statute-book, who are responsible for them? Are not those responsible who say to us, "Educate your slave at your peril; give him light and intelligence if you dare; and, if you do, we will make these gifts the means of applying the knife to your throats, and the torch to your dwellings?" Are not these the persons who would be responsible, and not we, if such things were to be found on the statute-book? I will say, however, not to them, not to those who have nothing to do with it, but to my countrymen in the South, that I believe it is our duty to remove whatever may cumber unprofitably the statute-book, whatever is improper or unjust. I believe that the progress of light and intelligence in both races is not incompatible with the institution of southern slavery. I believe that we are responsible for the happiness of all who are committed to our charge, whether they be white or black; and I say, let us do right in despite of the Abolitionist, however he may throw himself in the path of the improvement of the slave. We are strong enough within the

Union, or without the Union, to defend ourselves, and with the blessing of Providence let us do right, and leave the consequences to God. To him who intrudes his opinion upon us—to him who has no right to make an inquiry as to our domestic affairs, I have only to say, "There is the southern slave; he speaks for the institution of slavery in our section; produce to us the same number of African negroes in bondage or otherwise, and in any other country, who have made the same progress in improvement, and then we may acknowledge your right to reproach us; but, until you do that, we are entitled rather to the voice of approbation.

Mr. HUNTER then proceeds to defend Virginia from the aspersions cast upon her by the Senator from Massachusetts, and remarks upon that part of the Massachusetts resolutions—

"In which she undertakes to sit in judgment on a case here pending, and not merely to request her Representatives, and to instruct her Senators, as other States do, but to "demand" of us that we should carry out her *fiat* and execute her judgment."

He, also, considers, at length, the question whether the assault of Mr. BROOKS upon Mr. SUMNER was a breach of privilege of the Senate, and says, that, though in the outset inclined to think it such, upon mature consideration, he does not "believe that, so far as we are concerned, it was a breach of privilege." In support of this opinion, he sites numerous precedents of American decisions sustaining his views, and continues:

I say then, sir, that, so far from being governed by law in the course which we have taken, I respectfully suggest that we have departed from the true view of the power which the Constitution has given us; that we have acted upon the false light of precedents, whose principles do not apply to our case; and that we have made a mistake in the course which we have pursued. At any rate, I will say that surely we have no right to invoke the exercise of an arbitrary jurisdiction of any extreme discretionary power which may be lodged in the other House. We know that the free States of this Confederacy constitute a majority of it. Suppose they were all of them to act in the spirit of these Massachusetts resolutions; suppose they were to encourage their Senators to insult the members from the slave States; suppose they were to say: "If this is resented, you must expel him if you can find two thirds to do it; and if you cannot, you must annoy him by the power of your majority until you make his seat intolerable to him:"—I ask, under such circumstances, how long would it be before there would be a dissolution of such an assembly? I ask, what southern man would be willing to sit here if he was thus to be governed by such a power, exercised in such a manner?

Mr. President, I know it may be said, on the other side, is there not danger that freedom of speech will be abridged, if men undertake to resent or punish its excesses? I admit that evils may occur on that side, but not so great on that horn of the dilemma as on this; because it is always to be remembered that, in the other alternative, the courts of law are open, where you may sue by private action for damages, where you may indict for assault, and where the court has power and jurisdiction to punish for the offense, in either person or property; so that there is a full remedy and an impartial tribunal for any such injury. Besides that, we must further remember that one man is about as able to defend himself as another is to assail him, and that in such contests there are two to be engaged, so the probability is that, in the end, no very great mischief can ensue. At any rate, if scenes did occur which were to be deplored, if events did take place which were to be condemned, still we know there is not near so much danger on that side as there would be in employing the arbitrary and discretionary power of the House, vested in it only for extreme occasions, in cases where the judgment might be attributed not so much to the sense of right as to sectional feeling, or to party bias. I think that, under such circumstances as these, it is always best to transfer such feuds from the Houses of Congress to the courts of law—from a tribunal which must of course be, to some extent, prejudiced and partial, to one which is unprejudiced and impartial.

I give this counsel for the sake of peace. I advise such a measure, as one which seems to me to afford a solution by which we may escape from some of those difficulties that seem to threaten us with so much exasperation and strife. I believe that the merits of the whole case may thus be reached, and thus, too, we may save ourselves from the agitation which, rely upon it, is doing great mischief here and abroad. I think the Senate ought to reverse its position. Indeed, it would be but acting under the precedent in the case of Gunn, (a Senator who challenged a member of the House of Representatives,) if we were to withdraw our application after the apology of the member from South Carolina. In that case the proceedings were dropped the moment the Senator declared his contrition for what had happened. I believe that if this were done here, and the case were left to the courts, we should save both Houses from a scene of strife and exasperation which every patriot and every lover of his country must deplore.

Suppose that two foreign nations were mutually to instruct their representatives to insult and abuse each other: how long would peace be maintained? Suppose that the members of the same family were to use their opportunities of daily intercourse for the purpose of mutual vituperation: how long would harmony exist? Suppose that States which belonged to the same Union should use the common hall of their deliberations for the purpose of mutual crimination and recrimination: how long would that Union be maintained? Sir, "in the letter which killeth" it might endure for a while, but in "the spirit which giveth life" it would soon be gone and lost forever.

Now, sir, I ask if these are not considerations which should be impressed upon all? Our institutions rest not upon parchment securities, but upon the broad basis of public affection. Who shall measure the crime of him that disturbs the waters of the stream of public opinion which to us are the very waters of life—of him who troubles the stream at its fountain that he may defile it through the whole length of its course, until we

turn loathing away from its waters, although our thirst may be almost unto death itself? Sir, the laws and the Constitution and the ordinances of our country, to have efficient force and life and being, must be engraved upon the hearts of the people. Once erase or obliterate that inscription, and it will not be long before the lawgiver himself, in some fit of exasperation, will shiver into fragments the tablets upon which they are written, as mere unspeaking stone.

In view of all these circumstances, does it not behoove us to do something to appease this strife, to settle these difficulties, to allay this bitterness? Who could have the heart, at such a moment as this, to engage in the work of crimination and recrimination amongst the States of the Confederacy? We all belong to the same family, and the character of the whole family is disparaged if we injure the reputation of one of its members. What pleasure or what profit should I derive by injuring the reputation of Massachusetts? by dimming the luster of her revolutionary glory? by taking a leaf from that chaplet of immortal flowers with which she is crowned? Sir, so far as I am concerned, instead of taking one stone from the Bunker Hill monument, I would add another to it. Let it tower to the skies, bearing upwards from earth to heaven whatever message of love and admiration may be transmitted from the living to the dead. Let it stand through the flight of ages, and carry down the story of those men and their deeds to the last syllable of recorded time. I will raise no sacrilegious hand against a single stone on that altar; and if there be any who has a heart for such a deed, he can find no sympathy from me.

Who can have the disposition to disparage the reputation and the military glory of any of the Old Thirteen? If there be any man who can have a heart for such a work, he can have but little feeling in common with me. I will not aid in such a work. What materials are these that we are collecting for history? What weapons are we placing in the hands of those who wish us ill, and who delight in every opportunity to disparage ourselves and our institutions?

Mr. President, it has been said by wise and good men, "give us peace abroad." I sympathize with them in that wish; but it may not always be in our power to secure that peace. It may require the will of another as well as of ourselves; but I say, give us what we can secure if we choose—give us peace at home. We want its opportunities to work out our destiny, and to crown with the glory of success the most wonderful experiment in human happiness that has ever been attempted in the history of man. We must have peace at home if we would wish to inspire either fear or respect abroad. Is there nothing in the condition of things around us—is there nothing in the condition of things abroad, to induce us to do something to compose these differences, to allay this excitement, to settle these feuds? Can any man reconcile it to his conscience to feed high the hot fires of sectional strife on such an occasion as this? Are the doors of our Chamber, are the doors of the Congress of the United States, like those of the temple of Janus, to be opened only for war, for civil war, for domestic strife? or may we not rather close them upon such scenes, or else open them to send forth once more the message of peace and good will, and to proclaim throughout the land a vow to devote ourselves to the common good of a common country, and to bury, as far as we can, the recollection of these unhappy disputes?

Mr. President, I do believe that the time has arrived when we should look at the state of circumstances around us, coolly and dispassionately, and when every man should come to the settlement of these differences with the will to sacrifice much of feeling, anything of the pride of opinion, everything that he can, consistently with duty and conscience, to settle and quiet them. Senators, I say to you that you hold in your hands the issues of life and death to this mighty Republic, to this great Union. On your souls, I charge you to take heed how you deal with them.

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U. S. Congress. House. Committee to investigate the troubles in Kansas.

MINORITY REPORT.

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MINORITY REPORT.

JULY 11, 1856.—Ordered to be printed.

Mr. MORDECAI OLIVER, from the Select Committee, submitted the following views of the minority.

The undersigned, member of the committee of three appointed by the House of Representatives to investigate the state of affairs in Kansas, disagreeing with the views and conclusions of his two colleagues, in the written statement submitted by them touching the result of their investigations, begs leave, under the permission of the House, to present a counter-statement.

The authority under which the committee acted was an order of this House, passed the 19th of March last, directing them to "proceed to inquire into, and collect evidence in regard to, the troubles in Kansas generally, and particularly in regard to any fraud or force attempted or practised in reference to any of the elections which have taken place in said Territory, either under the law organizing said Territory or any *pretended law* which may be alleged to have taken effect there since; and when the investigation was completed, to report the evidence so collected to the House."

Under this resolution the committee entered upon the discharge of the duties imposed on them with as much dispatch as possible. Their labors were closed at Westport, Missouri, on the 9th of June, 1856. The paper in the nature of a report, drawn up by the colleagues of the undersigned on the committee, was not read to or by him, and he knew nothing of its contents or character until it was presented to the House. It was not the expectation of the undersigned that any other report would be submitted by them than the testimony taken. A full execution of the commission of the House, he thought, was the presentation of the evidence collected. But as the majority of the committee have thought proper to comment on the character of the testimony, and to give their version of the substance of the facts, which is altogether at variance from his understanding of both, the undersigned feels it incumbent on him to follow their example, by presenting like comments on his part.

It must have been apparent to all, that the report of the majority was not only *ex parte* and one-sided, but highly partisan in its character from beginning to end. This appears all through the paper, in the manner of their statement of all things referred to by them, as facts, many of which statements of facts thus made rest upon no evidence whatever collected by the committee

To justify this remark, the undersigned will, in the beginning of what he has to offer, barely allude to a few statements in the report of the majority, from which its whole character may be judged. It is, for instance, said by the majority, that "a party under H. C. Pate, composed *chiefly of citizens of Missouri*, were taken prisoners by a party of settlers; and while your committee were at Westport, a company, chiefly of Missourians, accompanied by the sitting delegate, went to relieve Pate and his party, and a collision was prevented by the United States troops."

Now, the undersigned affirms most positively that this statement has not one particle of proof, taken before the committee, to rest upon! There is no testimony in the whole mass collected by the committee on that matter—none at all. But the undersigned affirms, that, in in his opinion, and according to the best of his information and belief, the fact is contrary to the statement of the majority; at all events, so far as relates to Captain Pate. Since that report has been made, under indulgence granted by this House, testimony has been taken on that point, from which it is made very clearly to appear that this statement, made without proof in the first instance, was founded wholly in error. Captain Pate himself—a man of character and integrity—swears that, to the best of his knowledge, "not one of them were citizens of Missouri." This deposition the undersigned here refers to, without spreading it out at large, and makes it a part of his report as fully and completely as if it were given in full in this place.

Again. The statement about the "young man being seized in the town of Atchison, and, under circumstances of gross barbarity, tarred and cottoned, and in that condition sent to his family," is entirely unsustained by any proof in the mass of that taken by the committee. It is true, testimony was taken as to alleged facts of this character; but when it was proposed to go fully into the investigation of the whole truth of such charges, and not to rest them on *ex parte* statements alone, the majority of the committee abandoned the investigation, and struck out the testimony which they had taken. But the undersigned has not time to go on with such specifications. He will here barely add, that all like statements in the report, as to the existing condition of the Territory, are wholly gratuitous and unsupported by any testimony taken by the committee. For the correctness of what he now affirms, the undersigned appeals to the testimony on file; and to counteract the impression of such statements by the majority of the committee, he begs leave to refer to the sworn depositions hereunto appended and made part of his report, as fully as if the same were set forth at large.

The undersigned affirms, most positively and distinctly, that the testimony taken by the committee contains no matter going to disprove or deny in the slightest degree these great, leading, and controlling facts in the merits of the controversy which gave rise to the organization of this committee, to wit: that an election for a Territorial legislature was held in Kansas Territory on the 30th of March, 1855, in pursuance of the proclamation of A. H. Reeder, governor of the Territory under the organic law; that, in that proclamation, the time and places of voting were set forth; that the judges of election

were appointed by him, with instructions as to how their places were to be filled if they or any of them refused or failed to act; that he reserved the power to himself to judge, in the first instance, of the election returns, and that he did so act; that the returns were made to him, and he did set aside the election of but nine members of the twenty-six elected to the house of representatives, and three of the thirteen elected to the council, and gave his certificate of election to the other seventeen members of the house, and ten members of the council, being a majority of both branches of the legislature; that he ordered new elections in those districts where he had set aside the returns; that the governor convened the legislature, thus constituted, according to law, on the 1st of July, 1855, and communicated with them officially after they were organized, and recognised them as a legally and properly constituted law-making body; and never, until August, 1855, after he was removed from the office of governor, did he object to the election of a majority of the legislature, both in the council and in the house of representatives, to whom he had previously given certificates.

These great leading and essential facts, upon which the validity or invalidity of laws, or "*pretended laws*," of Kansas must rest, are not denied, or even assailed, by a particle of testimony taken by the committee; and, with these facts unassailed and unimpeached, it is beyond the comprehension of the undersigned how the majority could come to the conclusion that the laws passed by the Territorial legislature were null and void in consequence of any illegality, even if such had been proved, in the election of its members. All questions relating to that election were closed by their waiver at the proper time, and without an investigation by the proper authority. This is a well-fixed principle in all our representative institutions; upon it they all rest, and with the correctness of it Governor Reeder himself seems to be duly impressed. This the testimony clearly discloses. In a letter found in the streets of Lawrence, and proven before the committee to be in the hand-writing of Governor Reeder, and bearing his genuine signature, dated in this city on the 12th of February, 1856, and addressed to a friend of his in Kansas Territory, he says:

"As to putting a set of laws in operation in opposition to the Territorial government, my opinion is confirmed instead of being shaken; my predictions have all been verified so far, and will be in the future. *We will be, so far as legality is concerned, in the wrong; and that is no trifling matter, in so critical a state of things, and in view of such bloody consequences.* * * * * * I may speak my plain and private opinion to our friends in Kansas, for it is my duty. But to the public, as you will see by my published letter, I show no divided front."

This letter, and another also found, were addressed, as it is understood, to Grosvenor P. Lowrey, his friend, and formerly his private secretary, while he was governor of Kansas; and so important a bearing had they upon the *main facts of the case*, which are the *legality of the Territorial legislature and their enactments*, that the majority of the committee, after they had admitted them as evidence, as it was clearly understood by all parties, attempted to reject them. The following is their action in regard to them:

"The counsel for J. W. Whitfield, having at Leavenworth city offered in evidence before the committee two letters written by A. H. Reeder—the one dated Washington, January 20, 1856, the other dated Washington, February 12, 1856—and, before offering the said letters, their authenticity, both as to the signature and hand-writing in the body of said letters, was proved to be the proper hand-writing and signature of A. H. Reeder, and of which facts the committee were satisfied; but a majority of the committee—Messrs. Howard and Sherman—not being satisfied, at the time, of the propriety of the admission of such evidence, took the matter under consideration; and now, at this day, at the sitting of the committee at Westport, the question of the admission of said letters as evidence came up for consideration and decision, and a majority of the committee, Messrs. Howard and Sherman—Mr. Oliver dissenting—decline to receive said letters in evidence, and to be engrafted into and to constitute a portion of the evidence taken by the committee in their investigations, upon the ground that they, the committee, have not the rightful possession of them; they having been found in the street, and being clearly private letters, or so declared to be by the majority of the committee. The said majority of the committee take no objection to the relevancy or competency of said letters as evidence; but place their objection solely upon the grounds above stated, not denying that said letters might be evidence against said A. H. Reeder in a criminal prosecution. The committee admit that the copies of said letters, furnished to the committee for the purpose of having them transcribed into the evidence, are true and genuine copies of the originals offered in evidence, and which said copies are hereto appended, marked (A) and (B), and made part of this protest.

"The counsel for J. W. Whitfield, and on behalf of the law and order party in Kansas Territory, offer said letters in evidence for the double purpose of showing the opinions and admissions of A. H. Reeder, in reference to the matters and subjects connected with the elections of the 30th of March, 1855, in the Territory, and the contest now pending between Whitfield and Reeder in the House of Representatives, as well as to show the complicity of A. H. Reeder in all the troubles which have led to bloodshed and civil war in the Territory.

"To the refusal of the majority of said committee to receive said letters in evidence Mr. Oliver enters his protest; and also the said John W. Whitfield, by his attorneys, protests against the action of a majority of the committee in refusing the admission of said letters in evidence, as depriving him of his just rights in the investigation before the committee, and in showing to the country the true ground and source of all the difficulties in Kansas Territory.

"J. W. WHITFIELD.
By his Attorneys,
"AUSTIN A. KING,
"JOHN SCOTT.

"WESTPORT, Mo., *June* 7, 1856.

"The above protest was this day presented, and the accompanying

copies of letters, marked by me 'Exhibit A, accompanying protest,' and 'Exhibit B, with protest.'

"WM. A. HOWARD,
"*Chairman K. C.*

"WESTPORT, *June* 7, 1856."

But the undersigned insists that they were not only competent, but pertinent to the main issue which the committee were sent out to investigate. He therefore incorporates copies of them in this report; he appends them to it, and makes them part of the same as fully as if here entered at large.

These remarks, touching the general character of the majority's report, and what has not been proved, are preliminary to such comments as the undersigned intends to submit on the matters which were elicited by the investigation. And another fact on the same line of preliminary observations, deserving, in his opinion, to be noticed, is, that witnesses were examined by the committee in but three places in the Territory, to wit: Lawrence, Tecumseh, and Leavenworth city; except that the testimony of Daniel Woodson, secretary of the Territory, was taken informally at Lecompton, in regard to the loss of poll-books in certain districts, and also a certain letter said to have been written by him. All the places in which witnesses were examined touching the election of the 30th of March, 1855, were in districts where the elections had been set aside by Governor Reeder himself, as before stated. All the testimony they took touching the elections at other places, was given by witnesses sent for and examined out of the vicinage; and much the larger portion of the testimony taken at the instance of the contestant was taken at Lawrence, the great rendezvous of the malcontents in the Territory. The object of the testimony of the witnesses produced by Governor Reeder, was to show that the election of the legislature on the 30th of March was carried by illegal votes from Missouri, notwithstanding he had officially adjudicated that question as governor of the Territory.

And before proceeding to notice in detail the testimony, such as it is, adduced for that purpose, it may be proper here to advert to some strange inconsistencies in the report of the majority, and which are apparent upon its face. They say, for instance, "this unlawful interference has been continued in every important event in the history of the Territory. *Every election* has been controlled, not by the actual settlers, but by citizens of Missouri; and, as a consequence, every officer in the Territory, from constables to legislators, except those appointed by the President, owe their positions to non-resident voters. None have been elected by the settlers, and your committee have been unable to find that any political power whatever, however unimportant, has been exercised by the people of the Territory."

This is certainly very broad and sweeping language; and who, after having heard it read, was not surprised to hear the same gentlemen admit, in an after part of their report, in speaking of the first election for a delegate to Congress, November 29, 1854, and after giving all the facts in relation to that election, that General Whitfield was duly elected a delegate to Congress? They say, "*of the legal votes*

cast, General Whitfield received a plurality," and was consequently duly elected. And if he was duly elected by *legal votes*, as they were forced to admit from the evidence, then the result could not have been affected by non-resident voters.

The undersigned does not deem it necessary for him to say more upon the subject of that election, which was the first object of their inquiry.

The majority admit that General Whitfield was duly elected by the actual settlers of the Territory, and those who were entitled to vote. This admission is a sufficient answer to their previous statement, that no person had been elected by the settlers, and that they had been unable to find that any political power whatever, however unimportant, had been exercised by the people of the Territory. Like inconsistencies appear in their statements concerning the election of members of the legislature on the 30th of March, 1855.

They say in the first place, in relation to this election, that companies of men from Missouri "were arranged in regular parties, and sent into *every council district in the Territory*, and into *every representative* district *but one.* The numbers were so distributed as to control the elections in *each district.*"

And then, under the head of "tenth district," they say, "this and the 'eighth election district' formed one representative district, and was the *only one* in which the invasion from Missouri did not extend." But under the head of "twelfth district," they say, "the election in this district was conducted fairly; no complaint was made that illegal votes were cast."

And again, under the head of "seventeenth district," they say, "the election in this district seems to have been fairly conducted, and not contested at all. In this district the pro-slavery party had a majority."

These contradictory statements, to the undersigned, seem wholly inexplicable, and he leaves them for the majority to reconcile or explain as best they may. But the undersigned affirms, that the weight of testimony shows that the majority of the legal voters in fourteen out of the eighteen election districts in the Territory were in favor of the party electing a majority of the legislature, as returned and certified to by the governor. And the testimony as to the other districts, while it is contradictory on some points, is far from being conclusive that a like majority did not exist in them. This, moreover, appears from the report of the majority itself, without referring to the testimony.

The Territory was divided into ten council election districts and fourteen representative districts. The first council district embraced the city of Lawrence—the stronghold of the abolition or free-State party, as it is called. In this council district, the whole entire vote cast for the free-State ticket was but 255. The whole number of legal voters in that district, by the census in February before, was 446. These figures are taken from the tabular exhibit given by the majority themselves. And it is also in proof by Mr. Ladd, one of Gov. Reeder's main witnesses, that at least fifty illegal votes were

given for the free-State ticket in Lawrence by eastern emigrants just arrived, and not entitled to vote.

These figures and this fact show that the free-State ticket did not receive a majority of the legal voters in this district; for if fifty be taken from the 255 cast for their ticket, it would leave only 205, being 61 short of a majority of the 466 legal voters in the district. That Missourians may have voted there illegally, does not, and cannot, vary this result. But the election at Lawrence was set aside by Gov. Reeder for informality in the return.

The undersigned has compiled tables, comparing the votes cast for the free-State ticket in the several council districts and representative districts in the Territory. This is taken from the tables exhibited by the majority. It is part of their own showing. In it will be seen the number of votes cast in each district for the free-State tickets, compared with the number of voters at the time the census was taken in each respectively; and from this it will appear that the free-State votes fell far short of being sufficient to elect a majority in either branch of the legislature, even if there had been no increase of voters, by *bona fide* settlers, between the time the census was taken and the election.

But the concurrent testimony of a number of witnesses establishes the fact conclusively, in the opinion of the undersigned, that the emigration of *bona fide* settlers from the southern States was greater in the month of March, after the census was taken, than in any equal time previous.

Here are the tables:

REPRESENTATIVE DISTRICTS.				COUNCIL DISTRICTS.			
No. of representative district.	No. of voters by census.	No. of votes for free-State ticket.	No. of representatives.	No. of council district.	No. of voters by census.	No. of votes for free-State ticket.	No. of councilmen.
1	97	19	1	1	466	255	2
2	369	253	3	2	212	12	1
3	212	12	2	3	193	44	1
4	101	4	1	4	442	156	2
5	92	49	1	5	253	----------	1
6	253	35	2	6	201	140	1
7	242	152	4	7	247	----------	1
8	99	120	1	8	215	60	1
9	102	26	1	9	208	----------	1
10	83	----------	1	10	468	66	2
11	47	54	2				
12	215	----------	2				
13	203	----------	2				
14	335	59	3				

This shows that the aggregate of the votes cast in the Territory for the free-State ticket fell short of 800, while the census shows that there

were 2,905 legal voters in the Territory in the February previous. The free-State ticket, therefore, did not receive one-third of the legal voters of the Territory, even if all be excluded from the account who emigrated to the Territory after the census was taken.

This fact was apparent to the majority of the committee. But they attempted to break its force in two ways: First, by comparing the names on the poll-books with those on the census returns, from which comparison they argue that only a fraction over 1,300 of the legal voters upon the census returns voted at that election. And secondly, by arguing that the abolitionists were prevented from voting by violence, threats, and intimidation.

On the first point, the undersigned deems it unnecessary to say more than that no comparison between the poll-books and the census returns was made except by districts. Between the time of taking the census and the election, settlers had changed their residence from one part of the Territory to another, and doubtless voted in a place different from that in which they were registered when the census was taken. The committee did not compare the names on the poll-books with the names on the census returns throughout the Territory, and the comparison alluded to by the majority, therefore, by no means proves what they claim for it.

On the second point the undersigned will barely state that there is no evidence that any violence was resorted to, or force employed, by which men were prevented from voting at a single election precinct in the Territory, or that there was any greater disturbance at any election precinct than frequently occurs in all our State elections in exciting times. A number of witnesses on both sides swear that men on both sides had arms, guns, pistols, bowie-knives, &c., and made threats, &c. But no one of them swears that any one was prevented from voting by the use of these weapons in a single instance, to the best of the undersigned's recollection. The testimony from beginning to end does not disclose the fact of a single assault and battery at or about the polls, or on account of the side on which any one wished to vote or had voted, in the whole Territory, on the day of election. Some quarrels and fights occurred at two or three places, but not about voting, and not as many in the whole Territory as the undersigned is informed occurred at one precinct in this city at the late municipal election.

The undersigned will now take up and proceed with the districts in their order. He now refers to the election districts. There were eighteen of these.

First Election District.

The testimony in this district shows that a great many strangers were present, some with wagons and tents; that considerable excitement prevailed. But there is no positive evidence of but a very few persons, known at that time to be citizens of Missouri, being present. All else is hearsay, vague and uncertain. While this is so, Mr. Salster, in his deposition hereunto appended and made part of this report, testifies as follows:

"I emigrated into the Territory of Kansas in June, 1854, and settled in the neighborhood of Lawrence, and have resided there ever since."

"My acquaintance was reasonably extensive in that district. I knew about 400 voters who resided in the district, but I did not know near all of the resident voters of that district. So far as I know, all the resident voters of that district were present and voted."

"At the time of the election of the 30th March, 1855, there was a majority of pro-slavery residents in the Lawrence district. I was well acquainted in the district. There were about 200 free-State resident voters in that district, and there were from 300 to 400 pro-slavery voters at the polls that day, whom I knew to be residents of that district, and a great many of them voted in my presence, and the others told me they had voted."

Besides this, the testimony of other witnesses shows that a large immigration of *bona fide* settlers from Missouri came into the district after the census was taken, and before the election.(1) The parties, says one witness, were pretty nearly divided—perhaps more of the free-State than pro-slavery party; but the free-State party were divided, and many voted for the pro-slavery candidates.(2) There was *no intimidation or force* used to prevent any of the free-State party from voting, and all could have voted who wished to vote.(3) In the afternoon some one hundred men, who had come in with Dr. Charles Robinson from the east, marched over to the polls and voted the free-State ticket.(4) They were said to have come into the Territory that very day.(5)

From this testimony, it is difficult for the undersigned to see how the majority of the committee could come to the conclusion to which they arrived, that even in the Lawrence district there was a majority of the legal voters for the free-State ticket.

Second District.

In regard to this district, the testimony is conflicting and contradictory; but the weight of the evidence, in the opinion of the undersigned, shows that there were many settlers came into this district after the census was taken, and before the March election. On the morning of election the free-State judges took arms with them into the judges' room. The free-State men, under the lead of Judge Wakefield, took possession of the polls, and required all the pro-slavery men to be sworn without discrimination, and did not swear any free-State men. The pro-slavery residents objected to this, and declared that both parties ought to be sworn alike. After some time the free-State judges resigned, and other judges were selected by the crowd. No intimidation was used to prevent the free-State men from voting, but all were asked to come up and vote. The pro-slavery

(1.) Horatio Owens, James Whitlock, A. B. Wade.
(2.) James Whitlock, A. B. Wade.
(3.) Horatio Owens, J. Whitlock, A. B. Wade.
(4.) J. Whitlock, A. B. Wade, J. M. Banks.
(5.) James Whitlock, John M. Banks.

ticket had a majority in the district, as the free-State party were not united on their ticket.(6) In addition to the general testimony relating to this district, the undersigned begs to call the attention of the House especially to the testimony of Parris Ellison, one of the judges to hold said election, appointed by Governor Reeder himself, which deposition, with others in relation to the election in that district, is hereunto appended and made part of this report. Mr. Ellison, in his deposition, among other things, says :

"The undersigned, Parris Ellison, states on oath : That I emigrated from Missouri to Kansas, and settled at Douglas, the second district, in October, 1854, and have resided there ever since. I was present at the election held at Mr. Burson's, in the second district, on the 30th March, 1855. I was appointed by Governor Reeder as one of the judges, and Mr. Burson and Mr. Ramsay, I think, were the other two. We met at Mr. Burson's house in the morning before the hour to open the polls. Mr. Burson was a magistrate, appointed by Governor Reeder, and he qualified me and qualified Ramsay. Ramsay qualified Burson. We appointed the clerks, and qualified them. George W. Taylor was one of the clerks. My son Parris was very sick at the time, and I wanted to resign. I proposed to resign if the other judges would permit me to name a man to serve in my place. Judge Wakefield, one of the candidates on the free-State ticket, was in the room, and interfered, telling the judges that they had power to name the man. They refused to let me appoint a man in my place, and I determined to serve, and did serve. I remarked to the other judges that we were sworn to act impartially during the whole day. They said, Yes ; we are sworn to act impartially. We agreed that, inasmuch as they knew a great many voters that I did not know, and I knew a great many that they did not know, that those whom I knew should vote without swearing, and those whom they knew I would not require of them to be sworn. Under this agreement we commenced the election. After some twenty-nine or thirty votes were taken, the pro-slavery party had some two to one against the free-State party. The other two judges began to grumble. Dr. Brooks came up to vote. I knew Dr. Brooks had a claim in that district, and had been on it, and had put a house on it.

"Dr. Brooks was a single man, and afterwards brought his mother there, and has resided there ever since. At the time of the election Dr. Brooks claimed to be a citizen of the district. I knew him to be a resident, and under our agreement I wanted to take his vote without swearing, but the other two judges refused to take his vote unless he would swear; this he refused to do, because he said that he had understood that, under the agreement, if Mr. Ellison took his vote without requiring him to swear, that was all that was necessary. The other two judges still refused to take his vote. The doctor stood at the window a long time, and said, that unless they would let him vote, as he was a citizen of the district, and had been for some time previous, no other man should vote there that day. I told them that if they refused his vote it would create a fuss and confusion, and

(6.) George W. Ward.

that it would be violating the agreement made before the election began; but still refused. Sherman Woffal then came up to vote; but they refused to take his vote without swearing. Sherman said that he could prove by me that he was a citizen of the district, and had been a citizen of the district from the fall before. I knew that Mr. Woffal was a resident of the district, for he was living there when I went to the district to live. I bought hay of Mr. Woffal before the election, which he had made and cured the summer before. They still refused to let him vote, unless he would swear. He refused to swear because they, the judges, would not let him prove his residence. He said he would not swear. I had not, up to this time, objected to any of the persons that came up to vote which the other two judges said they knew. I had kept the agreement made between us to the word and letter. On account of this conduct on the part of the other two judges, a fuss and confusion arose in the crowd outside of the house. While the fuss was going on, I proposed to adjourn, as I told them I thought it would be over in half an hour or so. Mr. Burson, thereupon, adjourned for half an hour. He proclaimed the adjournment aloud. I told each one of the judges to pick up a poll-book. I took the ballot-box, which one of the judges tried to take from me. I think it was Ramsay, but am not certain. Sharp words passed between us, but I kept the ballot-box, and they took the poll-books and went off. A man by the name of Jones asked me where the poll-books were? I told him that Burson and Ramsay had taken them off. He followed them, and brought the poll-books back. I waited until the half hour had expired, and the other two judges did not come back. I waited ten minutes longer. I called them; but they did not come. I called them again, and they did not appear. I told the people that I would wait five or ten minutes longer, and if the other two judges did not come they would have a right to select two men to act in their places. I waited ten minutes and they did not come, and the people elected two men to act in their places, namely, Sherman Woffal and Frank Labay. They were qualified. I asked Mr. Taylor to repeat the oath to them, which he did; but, by mistake, Mr. Taylor signed the oath instead of myself. Mr. Taylor had been sworn in as a clerk by Mr. Burson and Mr. Ramsay. Messrs. Woffal and Labay and I then opened the polls, and the election went off quietly during the remainder of the day. We kept the polls open until 6 o'clock in the evening. Andrew McDonald was the pro-slavery candidate for council, and Judge Wakefield was the free-State candidate for council. O. H. Brown and Mr. Ward were the pro-slavery candidates for the house of representatives, and Jesse was one of the free-State candidates for the house, and the other I do not remember. All the votes received after we began the second time were for the pro-slavery candidates. The ballot-box which I took possession of at the time of the adjournment I carefully preserved, and did not open it until 6 o'clock in the evening. It was then opened in presence of the other two judges, who had been selected by the people, and the clerks. The ballots were counted, and there were twenty-one votes for the pro-slavery ticket, and

twelve votes for the free-State ticket. When we commenced the election the second time, we got another ballot-box.

"When I got there in the morning, there were some thirty or forty men present about the house, and when I went into the house I saw some fifteen or twenty guns standing in one corner of the house, which had been brought there by the free-State men. When the adjournment took place, the guns were taken away by the free-State men. These guns were all the guns that I saw on the ground. I did not see a gun in the hands of a pro-slavery man that day. There was no charge made with either guns or pistols or other weapons at the window, nor were there any threats of violence made by the pro-slavery men. There was no violence committed by the pro-slavery men there that day to the judges, nor were there any threats of violence offered, as I saw. I did not see Mr. Samuel Jones pull out his watch and say to the judges, Ramsay and Burson, that he would give them five minutes to resign, nor did I hear him afterwards say to them that he would give them one minute to resign. If this had occurred, I should have seen and heard it, for I was in the house all the time, and was at the door when these two judges came out. I did not see Samuel Jones in the house at any time while Ramsay and Burson were there. In my neighborhood I was well acquainted with the settlers there, and at the time of the election and before. The residents were almost all pro-slavery. From what I knew myself, and the information received from the census taker and others, I am satisfied that the pro-slavery party had a decided majority in the second district."

This is the district in which it is represented that sheriff Jones figured so conspicuously. The testimony of Mr. Ellison clearly disproves all such allegations. Other depositions, herewith filed and made part of this report, fully confirm the testimony of Mr. Ellison.

Third District.

The testimony in relation to this district is, that the pro-slavery party had a majority among the actual settlers of the district.(7)

Fourth District.

The testimony in relation to this district shows that the pro-slavery party had a majority among the actual settlers.(8)

Fifth District.

In this district the testimony goes to show that there was a majority for the free-State party.

Sixth District.

The testimony goes to show that the pro-slavery party had a major-

(7.) Geo. Holmes.
(8) A. S. Johnson, T. Mockbee.

ity of the actual settlers in this district, and also that most of the free-State men voted for the pro-slavery candidates.(9)

Seventh District.

The testimony shows that the pro-slavery party had a majority among the actual settlers in this district.(10)

Eighth District.

As to this district, no testimony was taken on either side, so far as the undersigned now remembers.

Ninth District.

The testimony shows that in this district the pro-slavery party were in the majority among the actual settlers.(11)

Tenth District.

The testimony shows that the election was conducted fairly in this district, and the result would not have heen changed by the rejection of all the illegal votes on both sides.

Eleventh District.

In this district there is no evidence to impeach the correctness of the election returns as made to and sanctioned by the governor.

Twelfth District.

There is no evidence to impeach the correctness of the returns of election for this district.

Thirteenth District.

The evidence shows that there was a pro-slavery majority of the actual residents in this district, and that there was no force or intimidation used to prevent free-State men from voting.(12)

Fourteenth District.

The evidence shows that the pro-slavery party was largely in the majority among the actual residents in this district; that the election was peaceable and quiet, and that no intimidation was used to prevent any one from voting.(13)

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(9) Wm. Barbee, Joseph C. Anderson, S. A. Williams, T. B. Arnett.
(10) C. A. Linkenauger, Andrew Johnson.
(11) C. R. Mobley, Thomas Reynolds.
(12) Wm. Tebbs, O. H. Tebbs, and others.
(13) W. P. Richardson, Willard P. Hall, J. H. Whitehead, J. P. Blair, and others.

Fifteenth District.

The evidence in regard to this district shows that the pro-slaver party were largely in the majority among the actual residents—probably ten to one—and that there was no force or intimidation used to prevent any man from voting.(14)

Sixteenth District.

The evidence shows that the election in this district was conducted peaceably and quietly, and no intimidation or force used to prevent any one from voting. There was a decided pro-slavery majority among the actual settlers in this district.(15)

Seventeenth District.

The evidence shows that in this district the election was conducted peaceably and quietly, and that the pro-slavery party were in the majority among the actual settlers.(16)

Eighteenth District.

The evidence shows that the election was conducted peaceably and quietly, and that there was a decided pro-slavery majority among the actual settlers in this district.(17)

Upon an examination of the testimony taken before the committee, what the undersigned has affirmed in relation to these several districts will be found to be sustained by the proof. And from all the testimony collected, when compared and weighed properly, the undersigned feels confident that it will appear to every unprejudiced mind, not only that General Whitfield was duly elected, by the actual and *bona fide* residents, a delegate to Congress at the first election, in November, 1854, but that the free-State party was in the minority in the Territory at the March election in 1855, for members of the legislature; and that that election was not carried either by force, violence, or non-residents, but that a majority of the legislature was duly elected as certified to by the governor, and was properly constituted as a law-making body; and, as a consequence, that the laws passed by them, as far as they are consistent with the constitution of the United States and the organic act of the Territory, are valid; and, as a further consequence, that the sitting delegate, having been duly elected a delegate to Congress under a Territorial law thus passed, is entitled to a seat on this floor as such.

And having gone through this branch of the subject, the undersigned now beg leave to refer to other matters alluded to by the majority of the committee in their report. They speak of a certain secret political society formed in the State of Missouri, known by different

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(14) John W. Martin, N. Williams.

(15) W. G. Matthias, L. J. Eastin, R. R. Rees, Amos Rees, A. T. Pattie, J H. Day, A McAuley, and others.

(16) Cyprian Chouteau, Rev. T. Johnson.

(17) R. L. Kirk, J. W. Foreman.

names, such as "Social Band," "Friends' Society," "Blue Lodge," "Sons of the South"—the object of which was to send emigrants into Kansas for the purpose of making it a slave State.

In reply to this part of their report it is only necessary to state that the evidence shows that these organizations were formed for the purpose of counteracting similar and other organizations, first started at the east and elsewhere, for the purpose of colonizing the Territory with persons for the avowed object of making Kansas a free State, and in this way ultimately affecting injuriously the institutions of Missouri.

The first society of this kind was formed in the city of Washington, immediately after the passage of the Kansas-Nebraska bill. It was composed of members of Congress of both branches, and others.

The undersigned refers, in this connexion, to the testimony of the Hon. Daniel Mace, a member from Indiana, which is appended to this report and made part thereof. In his deposition he states that such an association was formed in Washington immediately after the passage of the Kansas-Nebraska act. It was called the Kansas Aid Society, the members of which subscribed various sums of money, he himself subscribing $50 or $100, he is not certain which amount. The object of the movement was to induce persons to go to Kansas who would make that their home, and who would at all elections vote against the institution of slavery. Mr. Goodrich, a member of the House of Representatives from Massachusetts, was the president of the society.

Soon after this society was formed, other societies were formed in the eastern States for the same object; that is, for the purpose of sending persons to Kansas to control the elections there. A society of this kind formed in Boston, Massachusetts, commenced sending emigrants to Kansas for this avowed object. To show the object of this last-named Emigrant Aid Company, the undersigned begs leave to refer to a letter written by Thomas H. Webb, corresponding secretary of the company, and which is among the testimony taken by the committee. It is as follows:

BOSTON, *August* 14, 1854.

DEAR SIR: By the pamphlet mailed you, much of the information which you desire can be obtained.

The next party will leave here on the 29th inst., at quarter past 2 p. m.; they will go *via* Buffalo, Detroit, Chicago, Alton, and St. Louis, and will disembark at Kansas City, near the mouth of Kansas river. The fare through will be about $25 for first-class accommodations; meals extra, which need not cost, on an average, more than twenty cents. Each person is allowed 100 pounds of baggage, and for all excess will be liable to pay about $3 per 100. Children under three years will be taken free; between three and twelve, pay half-price. No pledges are required from those who go; but as our principles are known, we trust those who differ from us will be honest enough to take some other route.

The agent who located our pioneer party will accompany the next one, and furnish all requisite information.

Yours, respectfully,

THOMAS H. WEBB,
Sec. Em. Aid Co.

A. JENNINGS, *Provincetown, Mass.*

The undersigned also refers to a pamphlet admitted in evidence before the committee, from which he submits the following extracts:

"THE PIONEER PARTY.—Charles H. Branscomb, esq., one of the company's agents, went up with the pioneer party, and located them on a beautiful tract of land previously selected by him as an advantageous position for a town-site. This spot is situated six miles above the Wakarusa, a tributary of the Kansas river, and about thirty-five miles above the mouth of the latter stream, on its south side. For a brief description, the reader is referred to the paragraph commencing on page eleven, and continued on page twelve, of this pamphlet.

"Mr. B. travelled in various sections of the Territory, and says it is impossible for one who has not been in that region to conceive of its beauty and fertility; he confirms all the statements that have been made respecting it in our pamphlet.

"The second party left this city on Tuesday, the 29th of August. They reached Kansas City September 6th, and entered the Territory under the guidance of Charles Robinson and S. L. Pomeroy, agents of the company. They were cordially received by the pioneer party, and have made a joint settlement at the beautiful site selected by Mr. Branscomb.

"The third party, under the guidance of Mr. Branscomb, (who has returned twice from Kansas since July,) left Boston September 26th. It numbered eighty-six persons, to which accessions were made at Worcester, Rochester, and elsewhere westward. Messrs. Pomeroy and Robinson are making great exertions to accommodate the parties for the winter, and to provide the materials for the erection of houses in the spring. This pressure of business involves a large expenditure, which their experience will enable them to make with prudence and discretion. But their drafts cannot be met with the funds in the hands of the trustees, unless '*material aid*' furnished by those who wish for success to the enterprise shall be very much greater than it has been thus far.

"The fourth party left this city the 17th of October. It numbered 123 individuals, to which sixty were added at Worcester, a number at Springfield, Albany, Rochester, and Buffalo. At Chicago a large accession was anticipated, and ere leaving St. Louis the number will exceed 250."

This was all in the summer and fall of 1854, and prior to the first election for a delegate to Congress, in November of that year. Whatever organizations, therefore, were formed in Missouri, of the character alluded to by the majority of the committee, were formed solely and expressly for the purpose of counteracting those organizations previously formed elsewhere. This the testimony abundantly proves.

The testimony also shows that emigrants going out under those and similar organizations were supplied with arms and munitions of war. Great numbers of Sharpe's rifles and several pieces of artillery were sent to the Territory. And if arms were taken by emigrants from Missouri, it was only for the purpose of defence against arms in the hands of emigrants from other quarters.

The testimony shows that large numbers of persons sent out by these eastern societies went into the Territory during the month of March, just before the election, declaring it to be their intention to vote; that they came there for that purpose; and in a few days after the election, great numbers of these persons were seen returning to the north and east, saying, many of them, that they had voted.* The testimony also shows that a large number of Missourians went over to the Territory on the day of election, merely to prevent illegal voting on the part of these eastern emigrants, and few of these Missourians, and only a few, are proven to have voted, and their names given, by the testimony; not as many in all as those of the eastern emigrants, who it is proven voted illegally at Lawrence.

The majority of your committee in their report say, that the only cause of the hostilities in the Territory was the known desire of the citizens of Lawrence to make Kansas a free State, and their repugnance to laws imposed upon them by non-residents.

The undersigned, however, is unable to concur with them in that allegation. On the contrary, he affirms, what he believes to be the truth of the matter, that the cause of all the difficulties in the Territory of Kansas, from its organization down to the present time, is to to be found, first, as before stated, in the various organizations of members of Congress, and in the northern and eastern States, with the avowed purpose of colonizing the Territory with persons of anti-slavery sentiments, to the end of making Kansas a free State; secondly, that finding themselves defeated and thwarted in their purpose of electing a legislature in favor of making Kansas a free State, as shown in a former part of this report, being chagrined and mortified, they, the anti-slavery party in the Territory of Kansas, in a fit of desperation, determined to set themselves up in opposition to, and in resistance of, the laws passed by the Kansas legislature, and to resist them to a "bloody issue," if necessary to their defeat and utter subversion. Indeed, the undersigned affirms, that even before the legislature convened, there were propositions made to form an organization of a military character, to resist any and all laws which might be enacted by that legislature, by force of arms, even should such resistance result in the subversion of the government of the Territory, and to the peril of the Union itself.

In proof of this allegation, the undersigned begs leave to refer to the testimony of Dr. J. N. O. P. Wood, which is as follows:

"I came into the Territory first about the 1st of April, 1854; I located permanently in Lawrence about the 7th of October, 1854; I resided there until some time the last of March, or the 1st of April last, and then I went to Lecompton. About the time I came there,

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*F. M. Mahan, H. M. Blossom, and others.

there was considerable difficulty between what was called the Lawrence Association, of which Dr. Robinson was president, and the settlers that were not members of this association. The members of the association held a meeting two or three evenings after I got there, and elected a judge, and a Mr. Grover marshal, and organized a company, which I think they called the 'shot-gun battalion,' for the purpose of preventing persons that did not belong to their association from settling about the place, and taking timber and stone from the claims of those who did live there. They said there was no law in the Territory; that the organic act was unconstitutional—made so by the repeal of the Missouri compromise; and that they intended to form an association, and make and enforce their own laws, irrespective of the laws of Congress, until there could be a change in Congress, by which the Missouri compromise could be restored, and the organic act set aside.

"There was no open opposition to the execution of the laws until Governor Reeder appointed justices of the peace, and one or two members of this association were arrested. They refused to recognise the power of the justice of the peace, and refused to attend as witnesses, and would only attend their own provisional court, as they termed it.

"When the legislature was about to be elected, they held a meeting, and brought out their candidates. After the legislature was elected, and before they met, there were several meetings held in Lawrence, and at those meetings they passed resolutions declaring they would submit to no laws passed by that legislature. This was what was called the Lawrence association, different from the town association. It was composed of men sent out under the auspices of the Emigrant Aid society, and Dr. Robinson was at the head of the association. Many belonging to this association lived in different parts of the Territory. They were allowed to vote at the meetings of the association, which I sometimes attended, and those who were not enrolled as members of the association were not allowed to vote or debate at their meetings. Some of them lived at Ossawatomie, Topeka, Manhattan, and other places in the Territory. They resolved not to obey the laws that would be passed by the legislature, and only obey their own provisional laws until they could form a provisional government for the Territory.

"The first general meeting, while the legislature was in session, was held in Lawrence in July or August, 1855. Before that time their meetings had been of the association; but this was the first general meeting. That was the first meeting at which I recollect hearing Colonel Lane take ground in opposition to the laws that the legislature, then in session, should pass. All the public speakers that I heard there, said they did not intend to obey the laws that should be passed, but intended to form a provisional government for themselves. After the legislature adjourned, the first meeting at which I heard any declarations with regard to the resistance of the laws was held at Blanton's bridge. Col. Lane, Mr. Emery, and Mr. John Hutchinson addressed the meeting, urging the people to resist the laws, let the consequences be what they might.

"In private conversation with those men, they always expressed

their determination to resist the laws, and said the officers and posse should not enforce the laws. They said they had a new code of laws called Sharpe's Revised Statutes, and they were going to use them in preference to any others. It was a common remark, that they would use Sharpe's revised statutes in preference to any others.

"I think the first box of rifles came there marked Revised Statutes. I think after Mr. Dietzler came back he said he brought the rifles with him. When they were brought to Lawrence they wanted to put them in my warehouse. They were lying at my door, and I inquired what they were, and Mr. Salter, who was keeping the warehouse for me, said they were emigrant aid guns. I objected to their being put in my warehouse, and they were taken and put in Mr. Simpson's office. I told them I would not be the first to harbor guns brought there for revolution.

"I often expostulated with Lane, Robinson, and others, both publicly and privately, as to their course, and addressed the meeting at Blanton's bridge in opposition to their course. They said they would resist the laws regardless of consequences.

"The next public meeting I recollect of was the Big Springs convention. At that convention I had but little conversation, except with Governor Reeder and Judge Johnson. Prior to the meeting several days, Governor Reeder came up to our place. I heard that he was urging the people to resist the laws, and do so by setting a different day for the election of delegate to Congress, on which he should be voted for. I called on him at his room, and asked him if he had recommended that course, and he said that he had intended to have returned to Pennsylvania, but upon reflection he had concluded that if they would take that course at the convention, he would be a candidate for Congress, and had returned from Kansas City, where he had taken his trunks and baggage. He said he had understood since he came there that Lane, Roberts, and others, would be candidates before the convention; but if they would withdraw, and the course he had indicated was taken, he would be a candidate for Congress. He said it would give him an opportunity to bring the matter before Congress, and with the majority they had then in Congress against the democratic party he thought he could succeed in ousting General Whitfield if elected.

"A meeting was held in Lawrence, and it was agreed upon that a different day should be fixed upon for the election; and the candidates who were there—Robinson, Lane, and some others—agreed to withdraw in favor of Governor Reeder. This was four or five days before the Big Springs convention.

"I rode up to that convention in company with General Pomeroy, who invited me to go up with him. At the convention I had another conversation with Governor Reeder. We had always been on the most intimate terms, and I talked with him as I would with any friend. I talked with him, and said that I thought that by taking that course, and thereby repudiating the laws, it would bring a state of anarchy upon the Territory that he nor I would probably live to see the end of. I said it would be opening the door and giving an invitation to outlaws outside of the Territory to come and make that

the field of operations; that it would bring about a state of things that would be injurious to the country, by preventing capitalists from risking their means in such a country.

"He replied that he thought differently; that they had determined to adopt the platform of the Topeka convention, held before that time, recommending the formation of a provisional government. I think he took a pencil and draughted a resolution recommending the calling of a convention to form a State constitution. He said he would offer that resolution; they could go on and form their State constitution, appoint an executive committee to issue a proclamation calling for the election of delegates to form a free-State constitution, and they would elect their members to the legislature, pass their laws; and if Congress did not admit them, they would pass their own laws, and go on independently of Congress, until such time as they could be admitted.

"I remarked, that would bring them immediately in conflict with the acts of the Territorial legislature, one or the other of which must become supreme; and I thought it would necessarily bring on a collision between the two opposing parties, and involve the country in an armed difficulty.

"He replied, that they had made up their minds to resist the laws, and by forming a free-State constitution they could get the aid and sympathy of the North to help them enforce their provisional laws; that they were determined to resist the Territorial laws. That was about the substance of the conversation.

"In his speech before the convention, he urged them to resist the Territorial laws at all hazards. I have read the speech of Gov. Reeder as reported in the proceedings of the Big Springs convention, in a printed copy now before me. I cannot say that it contains all his speech. He spoke for an hour, or a little over an hour. I understood him distinctly to say this: that he wanted them, if they had any regard for their rights, not to appeal to the laws for redress, nor answer others if appealed to. He called them 'bogus' laws, meaning thereby the Territorial laws. That, I think, is about the substance of what he said.

"I came down home, I believe, in company with Judge Johnson, who disapproved of the course adopted. I had conversations with Governor Reeder afterwards, but we held our respective positions.

"A proclamation was issued by what was called the Executive Committee, calling an election for State officers and legislature, a convention to form a State constitution having met and formed a State constitution. I talked with Lane and Robinson often about this matter. There were free-State men in Lawrence who opposed this course, and oppose it yet. I myself co-operated with the free-State party, until they took these revolutionary steps, and then I left them.

"I lived in Illinois twelve years before I came to this Territory."

Indeed the undersigned affirmed, upon the testimony, that either before the meeting of the legislature, or during its session, or after its adjournment, there were other organizations formed, to resist by force of arms the execution of any laws the legislature might pass, or any which they had passed, at all hazards, even to the destruction of the

Territorial government, and the dismemberment of the confederacy itself. In proof of this assertion the undersigned begs leave to refer to the testimony of Pat. Laughlin, and the testimony of Dr. Andrew J. Francis.

Pat. Laughlin testifies, in substance, that he came to Kansas from the State of Kentucky, in May, 1855. He settled in Doniphan, and favored the free-soil sentiment. He became a free-soiler about the middle of August, 1855, and had a meeting of that party on the 25th of the same month; at which meeting S. Collins presided.

The meeting—although it was one intended for all of the fourteenth election district, as designated by Gov. Reeder, in his official proclamation governing the spring election of 1855—had but about forty members in it, and that, too, in a district far more thickly populated than any other district in the Territory of Kansas.

This meeting was addressed by A. Lazelere, Dr. G. A. Cutler, C. W. Stewart, B. Harding, and others, all of whom urged very strongly on the meeting the necessity of forming a society something on the order of the "Know-nothings," by which they could unite their small party, and labor more effectually against the pro-slavery party. This idea was received with general acclamation by every member of the meeting but himself. He thought this a good sign of their "Know-nothing" origin. He therefore opposed the manœuvres they were making; told them if they went into such measures, they would find in him an unrelenting enemy. They, sooner than cause any disturbance in their yet feeble ranks, gave up all thoughts of such organizations. The meeting then went on; and, after disposing of all business before it, we had speeches from several of the leading men—S. Collins, Dr. G. A. Cutler, C. W. Stewart, John Fee, A. Lazelere, B. Harding, B. G. Cady, and others—many of whom strongly urged that the people ought to rise in arms, and with their might resist the authorities; and sooner than permit slavery in Kansas, or even to submit to the repeal of the Missouri Compromise, to go with all their might for a disunion of the States; and, in order to effect their purpose, shed, if necessary, the last drop of their blood. Those speeches were received with acclamation by the poor deluded listeners. He was appointed at this meeting, together with several others, to represent the people of this (14th) district at the Big Springs convention, to be held on the 5th of September. Next day several of the delegates met, and solicited him to go before the rest several days, that he might find out what our party was doing in other parts of the Territory. He started for Lawrence on the 27th of August, and after riding as far as Ocena, in Atchison county, he stopped at the house of Mr. Crosby, and made himself known to him. He then made him acquainted with the secret military organization, which organization had been on foot from the 4th of April, 1855. (There was another society previous to this.) Mr. Crosby then gave him a letter of introduction to G. W. Brown, of the Herald of Freedom.

He went to Lawrence, and after acquainting Brown with his business, and giving him the letter of Mr. Crosby, he showed him a great number of Sharpe's rifles—he supposed about 75 or 100—and told him they were sent to them by the Emigrant Aid Society, of Boston; that

this society had also sent, and would continue to send, men and means to make Kansas a free State by force, if necessary. He told him that the arms and munitions of war were sent generally as dry goods or books to the agent of the society; and were sent concealed in this manner, that they might not be detected by the United States officers. He told him that when our regiment would number thirty men, we could send a delegate to Boston; but that he must first visit Lawrence, where he would get letters of introduction to the society in Boston, who would furnish us with as many rifles as we had men to bear them in the neighborhood; and, furthermore, that he would get them gratis.

While in Lawrence, a box of goods came, directed to C. Robinson; it was taken into the room where they hold their secret meetings. A friend of his invited him to go up with him to see the kind of goods they received from the East. He went up, and, to his surprise, saw in the box a lot of blue jackets and white pants for military uniform; also a drum and drum-sticks.

The lookers-on winked with their eyes, as though they meant something. There was a large house, which answered the double purpose of a hotel and fort, and with which the public is very familiar; it was then in the course of erection by the Emigrant Aid Society of Boston; it had port-holes in it for guns. He was told by Mr. Brown, Mr. Conway, Hutchison, and Lowry, and many other leading men among the abolitionists, that this hotel was intended principally for a fortification for their town, for they expected their conduct would bring them, before long, into a collision with the authorities.

A. H. Reeder seemed very well acquainted with the secret military order. Immediately after he told his business to Mr. Brown, and let him know he was a member of the secret order, he had an introduction to A. H. Reeder. They both then got up and went into the back room, where the rifles were, about twenty-five feet from him, and stood in a position on the floor where he had a full view of them. He could see from their actions, and from part of their conversation, which he overheard, that he and the society were the principal topics of their conversation. When they finished their interview a preacher came in, and he was introduced as late of Boston. The three then began a conversation, in which the topic was, what men and means they could get by the next election, which was to come off in the fall, for delegate to Congress. They spoke of a preacher who had gone to Boston for the express purpose of getting voters and other means to insure success at the coming election.

Pursuant to public notice, the convention of the abolitionists met at Big Springs, on tne 5th of September, 1855; also the executive committee. This committee claimed the sole right to govern the Territory. He was introduced to this convention by A. H. Reeder. His manner of introducing him was very strange, and he was made a member without being proposed in his hearing. Shortly after he was introduced to the committee a man whose name, he thought, was McCullough, and whose accent and outward demeanor bespoke him to be from the eastern States, offered the following resolution:

"*Resolved,* That every reliable free-State man in the Territory be

furnished with a rifle, a brace of pistols, and a sabre, gratis; and that he be required to take an oath to come when called upon, and muster into service under his superior officer, and to sacrifice his life, if necessary, to rescue the person and property of any person who would be brought under the jurisdiction of the present laws of the Territory."

The above resolution was seconded, and received by loud stampings in every part of the house, except the chairman, (C. Robinson,) who remained silent a few moments, as though lost in deep thought. He at last spoke up, and asked the gentleman to withdraw his motion, and they would act upon it in a more private manner. All seemed silent and seemed to wonder at the chairman's course. Another spoke up, and said he thought the resolution interfered with provisions already made.

The chairman said he thought not; but, for reasons he cared not to give at present, he wished the gentleman to withdraw his resolution, and let them act upon it in a more private manner. It was then withdrawn. This committee, in assuming the government of the Territory, appointed two governing committees of three men each side of the Kansas river, whose duty it was to establish post offices, mail routes, and mail carriers, to carry and take care of all free-soil and abolition mails, which was confined to the Territory. These two governing committees had the power to appoint persons who would arbitrate all difficulties arising in their respective districts. Persons so appointed were subject to removal, and responsible to the governing committee for any neglect of duty or abuse of power. In like manner, the governing committees were responsible to the executive committee.

All expenses of the above-named officials were to be borne by the executive committee, who would derive the necessary aid from the eastern States and the Emigrant Aid Society of Boston. The executive committee issued orders for all free-State men to give into the governing committees all the statements they could which would effect anything in weakening the pro-slavery party. He being further north than any of the other two who were on the committee with him, he had all the statements to take of those north of him, and any other direction that was convenient.

There were many who gave him their statements against the legislature and private individuals. All those who gave him any statements, had it in such language as was capable of being construed into a more dangerous meaning for the pro-slavery party, than what the real definition should be. Many of them told him they were making use of language that would make the pro-slavery party appear to the world more guilty than they in reality were; and no matter how false a meaning was put on their statements, they would be easy in conscience if they could realize their object. Many told him, when called upon, they were willing to swear that thousands of Missourians came over and voted, although he saw none; but admitted to him that they saw no Missourians vote, nor did they know of any who did. He had heard A. H. Reeder urge the people to rebellion and bloodshed, while they listened to him as though he were one of the prophets and patriarchs of old. He had heard men say, who appeared to take and hold

a high position among the abolitionists, openly boast that they had helped to run off negroes from the south into Canada, and hoped the day was near at hand when they would succeed in all their designs, and settle those gentlemen of color along the shores of Kansas, where they could make war on the institutions of the South—particularly of Missouri—till there would not be a slave left in it. Such are the principles of those who keep Kansas in a state of rebellion, and such are the men who are the leaders of the abolitionists—leading them on to thievery, treason, and death.

He has heard Judge Johnson, of the United States supreme court for the Territory, often instruct the people that, when called on to swear in the Territory, they might swear to what suited them, and they would not be perjured, as there was no law in the Territory. Whilst in Lawrence as delegate to the convention of the free-State men to be held at Big Springs, he heard many of the people say many of their people returned after the spring election. There were a great many camps at Lawrence then. Some of those forming the camps told him that they would return to the States in the latter part of the fall. At the fall and winter election for a delegate to Congress, for a State constitution and the formation of a State government, the judges of the polls had instructions publicly, that in case of Indian or other troubles they might adjourn from day to day, and finally to any other district in the Territory, to hold their election. But the private instructions were, if pro-slavery men attempted to vote, and were likely to have a majority, they must adjourn from day to day, and finally to any free-soil district in the Territory. He heard many of the people in Lawrence curse the Emigrant Aid Society of Boston, and say if it did not pay them soon they would return to the States, for it had failed to pay them for some time. He was told by several of the emigrants in Lawrence that the Emigrant Aid Society of Boston paid the expenses of all men who would come out to Kansas to vote for it to be a free State.

The following is an extract from the deposition of Andrew J. Francis:

"Offers were made to me by various persons to introduce me to a secret political organization. The only name I ever received as a member of the lodge was 'Kansas Regulator.' The next morning I was conversing with Governor Reeder, Jas. H. Lane, G. P. Lowry, and several others, one by the name of Chapman and one by the name of Hornsby; but both these gentlemen had merely come up to us as we were standing on the corner of the street talking. I had noticed black ribbons tied in the shirt-bosoms of several gentlemen; I noticed one or two tied to Governor Reeder's shirt-bosom. I made the inquiry as to what those black ribbons meant. Colonel Lane asked me to go with him, and he would show me something that would please me better than what I had seen the night before. The night before I had attended a masonic lodge. Colonel Lane was in the lodge while I was there. I made some reply to Lane, as though awaiting to go with him, saying that I would have to see something that would please me extraordinarily well, if it pleased me better than what I had seen the night before. I went with Colonel Lane to the

law-office of John Hutchison, as I afterwards found out. Governor Reeder did not go into the room where I was initiated. Doctor Robinson was standing just before the door, with a lady, I think. Colonel Lane asked him to leave the lady and go into the office with us. Robinson rather objected at first, but finally came in with us and said he would explain the nature of the organization he was about to initiate me into. The substance of the explanation was that Kansas was a beautiful country and well adapted to freedom, and the best territory in the world for the friends of freedom to operate on, more especially for those who were engaged in the free-white State cause. After proceeding in that strain for awhile, he asked me if I was willing to pledge my word and honor that I would keep secret what I saw there and who I saw there, provided he would pledge his word and honor that there was nothing that would interfere with my duties as a citizen, or that was disloyal in any respect. I replied that I was willing. He then gave me some other instructions that I do not now recollect, of about the same import as the first. Colonel Lane then took me in hand and told me that he could administer the grand obligation, which was done by my repeating after him, as follows:

'I, of my own free will and accord, in the presence of Almighty God and these witnesses, do solemnly swear that I will always hail, forever conceal, and never reveal any of the secrets of this organization to any person in the known world, except it be to a member of the order, or within the body of a just and legal council. I furthermore promise and swear, that I will not write, print, stain, or indite them on anything movable or immovable, whereby the least figure or character may become intelligible to myself or any other person. I furthermore promise and swear, that I will at all times, and under all circumstances, hold myself in readiness to obey, even to death, the orders of my superior officers. I furthermore promise and swear, that I will at all times, and under all circumstances, use my influence to make Kansas a free-white State. I furthermore promise and swear, that all things else being equal, I will employ a free-State man in preference to a Missouri man, or a pro-slavery man. I furthermore promise and swear, that all business that I may transact, so far as in my power, shall be transacted with free-State men. I furthermore promise and swear, that I will at all times, and under all circumstances, hold myself in readiness to take up arms in defence of free-State principles, even though it should subvert the government. I furthermore promise and swear, that I will at all times, and under all circumstances, wear upon my person the regalia of my office and the insignia of the order. I furthermore swear, that I will at all times, and under all circumstances, wear on my person a weapon of death. I furthermore promise and swear, that I will at all times, and under all circumstances, keep in my house at least one gun, with a full supply of ammunition. I furthermore promise and swear, that I will at all times, and under all circumstances, when I see the sign of distress given, rush to the assistance of the person giving it, even when there is a greater probability of saving his life than of losing my own. I furthermore promise and swear, that I will, to the utmost of

my power, oppose the laws of the so-called Kansas legislature. I furthermore promise and swear, that when I hear the words of danger given, I will repair to the place where the danger is. I furthermore promise and swear, that if any part of my obligation is at this time omitted, I will consider the same as binding when legally informed of it. I furthermore promise and swear, that, at the first convenient opportunity, I will commit this obligation to memory. To all of this I solemnly swear, without equivocation or self-evasion, binding myself under the penalty of being declared a perjuror before Heaven and a traitor to my country.'

"I then remarked to Col. Lane, that that was a very serious obligation. He replied it was; and also stated that it was necessary for me to become acquainted with the signs and pass-words. The sign of recognition is given by placing the right thumb under the chin, and the fore-finger of the right hand by the side of the nose, quietly scratching or rubbing it two or three times. The answer to it was given by placing the thumb and fore-finger of the left hand on the lower lip, as if rubbing it. The grip was given by locking the two first fingers of the right hand over each other. The words accompanying the grip are these: The one giving you the grip would ask: 'Are you in favor of Kansas becoming a free State?' The answer was: 'I am, if Missouri is willing.' The means by which persons procured admission into the council was, by going to the door the sentinel would then present himself. The person applying would say 'Kansas,' accenting the last syllable. The person would then advance to the centre of the room and salute the colonel, by placing his right hand just above his forehead. The regalia was this: The private members wore a black ribbon tied upon their shirt-bosoms; the colonel wore a red sash; the lieutenant-colonel a green sash; the major a blue sash; the captains white sashes; the lieutenants yellow sashes; the orderly sergeant a very broad black ribbon upon the shirt-bosom. Col. Lane then remarked to me that I had been made acquainted with the principles of the institution, and that it was the determination of the free-State party not to submit to the laws of the legislature, or to any opposition that might come from Missouri or any other quarter. I remarked to the Colonel that I was sworn to support those laws in taking my oath as a lawyer, and that I considered that that oath was administered by a higher power than he exercised, and hence I should not keep the obligation he had given to me; and under no circumstances would I do anything to subvert the institutions of the country, or place myself in opposition to the laws; and he might depend upon it, I would expose it the first convenient opportunity. I also told him I could not consistently keep both obligations that had been imposed upon me; that I was also a member and minister of a religious denomination, and that it would not be consistent with my Christian duties to keep the obligation he had imposed on me; that I should most certainly, when the subject came up, expose it. He stated then to me, that if that was my determination, and I did express myself so publicly, I would hardly get away from the city with my life. I replied to him that I would express myself so under all circumstances, both in public and private."

It now being most fully shown, as the undersigned believes, that the anti-slavery party formed secret political organizations of a military character to resist, with force of arms, the execution of the laws of the Territory, and to defend themselves against any effort which might be made by officers to enforce obedience to the laws and authorities of the Territory; after preparing the minds of the people to embark in any measures, however reckless and desperate in their nature and characters, the primary objects of these seditions, secret associations were boldly developed at a convention held by the anti-slavery party at Big Springs on the 5th and 6th days of September, 1855. But, before proceeding further in relation to this convention, the undersigned deems it proper to remark, that after the legislative election in March, 1855, Governor Reeder issued his proclamation, convening the legislature at Pawnee city, upon the express understanding that if there were not sufficient accommodations there for the members and officers of the legislature, they could, strictly in accordance with the provisions of the organic act, adjourn to any other point in the Territory, and if they did so he would co-operate with them. In proof of this, reference is made to the testimony of the Rev. Thomas Johnson, a member of the council. The legislature consequently met at Pawnee city. They remained there but a short time, as they found no accommodations for the members and officers of the legislature, the great majority of them having to camp out and cook their own provisions, there not being boarding-houses in the place sufficient to receive and accommodate them. The cholera also broke out there, and several deaths occurred in consequence. The legislature then adopted a resolution adjourning to Shawnee Mission. It is evident that Pawnee city was not a suitable place for the convening of the legislature, because of the absence of all accommodations for members, as well as being 145 miles from the Missouri river, whence they derived chiefly their supplies for subsistence. The house in which they were convened had neither doors nor windows, and but a temporary floor.

While in session, however, at Pawnee, the governor recognised them as a legally constituted legislative body, as will be more fully shown by reference to his message to that body; but, after they removed to Shawnee Mission, he vetoed all the bills they passed, of every description, upon the ground that they were sitting then at a place not authorized by law—the only ground alleged.

Meanwhile, "The governor, instead of exercising constant vigilance, and putting forth all his energies to prevent or counteract the tendencies to illegality which are prone to exist in all imperfectly organized and newly associated communities, allowed his attention to be diverted from his official obligations by other interests, and himself set the example of a violation of law in the performance of acts which [as it seems] rendered it the duty of the President of the United States, in the sequel, to remove him from the office of chief executive magistrate of the Territory."

The undersigned, in proof of the want of accommodations at Pawnee city, refers to the testimony of Rev. Thomas Johnson, member of the council, A. S. Johnson, Thomas Barbee, Wm. G. Matthias, and other

members of the legislature, as taken before a justice of the peace, and properly certified, which the undersigned begs to have considered a part of this report.

After the removal of Governor Reeder, chagrined as he evidently was, he is found an active member of the Big Springs convention, held on the 5th and 6th days of September; at which convention, as it is proven by the testimony of Marcus J. Parrott, a free-State man, and a member of the free-State legislature, taken before your committee, the following resolutions, drawn up in the hand-writing of Gov. Reeder, were adopted. They are taken by the undersigned from a certified copy of the proceedings of said convention, in evidence before your committee, and are as follows:

"*Resolved*, That we owe no allegiance or obedience to the tyrannical enactments of this spurious legislature; that their laws have no validity or binding force upon the people of Kansas, and that every freeman amongst us is at full liberty, consistently with all his obligations as a citizen and a man, to defy and resist them, if he chooses to do so.

"*Resolved*, That we will resist them, primarily, by every peaceable and legal means within our power, until we can elect our own representatives, and sweep them from the statute-book; and that, as the majority of the supreme court have so far forgotten their official duty, have so far cast off the honor of the lawyer and the dignity of the judge, as to enter, clothed with the judicial ermine, into a partisan contest, and by an extrajudicial decision, given opinions in violation of all propriety, have prejudged our case before we could be heard, and have pledged themselves to these outlaws in advance to decide in their favor, we will, therefore, take measures to carry the question of the validity of these laws to a higher tribunal, where judges are unpledged and dispassionate, where the law will be administered in its purity, and where we can at least have the hearing before the decision.

"*Resolved*, That we cannot and will not quietly submit to surrender our great 'American birthright'—the elective franchise—which, first by violence, and then by chicanery, artifice, weak and wicked legislation, they have so effectually accomplished to deprive us of, and that we with scorn repudiate the 'election law,' so-called, and will not meet with them on the day they have appointed for the election, but will ourselves fix upon a day for the purpose of electing a delegate to Congress

"*Resolved*, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a *bloody issue*, as soon as we ascertain that peaceful remedies shall fail and forcible resistance shall furnish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory the organization and discipline of volunteer companies, and the procurement and preparation of arms."

And, finally, as the natural result of the foregoing proceedings of the free-soil party in the Territory, the laws were violated, their execution openly resisted by them, till at length came the difficulties at Lawrence, in the fall of 1855, and after the Big Springs convention

in regard to which, as the most reliable testimony taken by your committee, the undersigned begs to refer to the evidence of Governor Wilson Shannon, which is as follows: "That, as to the origin, progress, and conclusion of the difficulties at Lawrence last fall, (1855,) he begs leave to refer to his two despatches to the President of the United States, with the accompanying documents—the first dated on the 28th day of November, and the second on the 11th day of December, 1855—as containing what deponent believes to be a correct history and account of those transactions."

The following are the despatches and documents referred to by the witness:

EXECUTIVE OFFICE, SHAWNEE MISSION,
Kansas Territory, November 28, 1855.

SIR: Affairs in this Territory are daily assuming a shape of real danger to the peace and good order of society. I am well satisfied that there exists in this Territory a secret military organization which has for its object, among other things, resistance to the laws by force.

Until within a few days past I have looked upon the threats of leading men and public papers who have placed themselves in an attitude of resistance to the laws, as not intended by those who made them to be carried into execution. I am now satisfied of the existence of this secret military organization, and that those engaged in it have been secretly supplied with arms and munitions of war, and that it is the object and purpose of this organization to resist the laws by force. The strength of this organization is variously estimated at from one to two thousand, but I have no satisfactory data from which to estimate its real strength, and I do not believe they can command for any given purpose more than one thousand men. They are said to be well supplied with Sharpe's rifles and revolvers, and that they are bound by an oath to assist and aid each other in the resistance of the laws when called upon so to do. Independent of the disclosures made by those who formerly belonged to this association and the hints thrown out in some of the public journals in their interest, the most practical proof of the truth of these allegations consists in their own acts. A few days since a difficulty took place in Douglas county, some ten miles south of Lawrence, between one of these men and a man by the name of Coleman, from Virginia, in relation to a claim; in which the former was shot and died immediately. Coleman was taken into custody for trial, by the sheriff of that county, and to avoid all ground of objection as to legal authority, Judge Lecompte was written to and requested to attend at the county seat (it being in his judicial district) and sit as an examining court. In the mean time a large body of armed men, said to be from three to four hundred, collected at and near Lawrence for the avowed purpose of rescuing Coleman from the sheriff and executing him without a trial. Coleman claims that he shot the man strictly in self-defence, and is willing to abide a judicial investigation and trial. On Monday last a warrant was issued against one of this band of men for threatening the life of one of his neighbors, and placed in the hands of the sheriff of the county for execution, who, with a posse of some ten men, arrested him on Tuesday night, and as he was convey-

ing the prisoner to Lecompton, he was met about two o'clock in the morning by a band of these men, consisting of between forty and fifty, all armed with Sharpe's rifles and revolvers, who forcibly rescued the prisoner out of his hands, and openly proclaimed that there were no officers or law in this Territory. In the settlement in which these transactions took place there were from sixteen to twenty law and order families, and about one hundred free-soil families. At the last advices three of the houses of the former had been burnt down by this armed band.

Cattle had been killed, and a considerable amount of corn and other personal property destroyed, and the whole law and order population of that neighborhood, induced by terror, had fled, except two families, whose lives were threatened. Helpless women and children have been forced by fear and threats to flee from their homes, and seek shelter and protection in the State of Missouri. Measures were being taken by the legal authorities to procure warrants against these lawless men, and have them arrested and legally tried. Under these circumstances the sheriff of the county has called on me for three thousand men to aid him in the execution of the warrants in his hands, and to protect him and his prisoner from the violence of this armed force. The force required by the sheriff is far beyond what I believe to be necessary, and indeed far beyond what could be raised in this Territory. From five to eight hundred men will be amply sufficient, I have no doubt, to protect the sheriff, and enable him to execute the legal process in his hands. With the view of giving to the sheriff the requisite aid, I have issued orders to Major General Richardson, of the northern division of militia of this Territory—a prudent and discreet man—a copy of which I send you herewith. I also send you a copy of a request I have made of General Strickler, who resides in the adjoining county to Douglas. These are the only orders I have thought it necessary to issue, by means of which I believe a sufficient force will be raised to protect the sheriff, and enable him to execute the legal process in his hands.

The time has come when this armed band of men, who are seeking to subvert and render powerless the existing government, have to be met and the laws enforced against them, or submit to their lawless dominion. If the lives and property of unoffending citizens of this Territory cannot be protected by law, there is an end to practical government, and it becomes a useless formality.

The excitement along the border of Missouri is running wild, and nothing but the enforcement of the laws against these men will allay it. Since the disclosure of the existence and purposes of this secret military organization in this Territory, there has been much excitement along the borders of Missouri, but it has been held in check, heretofore, by assurances that the laws of the Territory would be enforced, and that protection would be given to the citizens against all unlawful acts of this accociation. This feeling and intense excitement can still be held in subordination if the laws are faithfully executed; otherwise there is no power here that can control this border excitement, and civil war is inevitable. This military organization is looked upon as hostile to all southern men, or rather to the law and

order party of the Territory, many of whom have relations and friends, and all have sympathizers, in Missouri, and the moment it is believed that the laws will not furnish adequate protection to this class of citizens against the lawless acts of this armed association, a force will be precipitated across the line to redress real and supposed wrongs inflicted on friends that cannot be controlled, or for the moment resisted. It is in vain to conceal the fact: we are standing on a volcano, the upheavings and agitations beneath we feel, and no one can tell the hour when an eruption may take place. Under existing circumstances the importance of sustaining the sheriff of Douglas county, and enabling him to execute his process, independent of other considerations connected with the peace and good order of society, will strike you at once; and to do this by the aid and assistance of the citizens of this Territory is the great object to be accomplished, to avoid the dreadful evils of civil war. I believe this can be done; in this, however, I may be mistaken. No efforts shall be wanting on my part to preserve good order in the Territory, and I will keep you constantly advised of the progress and state of things here.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

HEADQUARTERS, SHAWNEE MISSION,
Kansas Territory, November 27, 1855.

SIR: Reliable information has reached me that an armed military force is now in Lawrence and that vicinity, in open rebellion against the laws of this Territory, and that they have determined that no process in the hands of the sheriff of that county shall be executed. I have received a letter from S. J. Jones, sheriff of Douglas county, informing me that he had arrested a man under a warrant placed in his hands, and while conveying him to Lecompton he was met by an armed force of some forty men, and that the prisoner was taken out of his custody, and open defiance bid to the law. I am also duly advised that an armed band of men have burnt a number of houses, destroyed personal property, and turned whole families out of doors in Douglas county. Warrants will be issued against those men, and placed in the hands of the sheriff of Douglas county for execution. He has written to me, demanding three thousand men to aid him in the execution of the process of the law and the preservation of peace.

You are, therefore, hereby ordered to collect together as large a force as you can in your division, and repair without delay to Lecompton, and report yourself to S. J. Jones, the sheriff of Douglas county, together with the number of your forces, and render to him all the aid and assistance in your power, if required in the execution of any legal process in his hands. The forces under your command are to be used for the sole purpose of aiding the sheriff in executing the law, and for no other purpose.

I have the honor to be, your obedient servant,

WILSON SHANNON

Major General WILLIAM P. RICHARDSON

HEADQUARTERS, SHAWNEE MISSION,
Kansas Territory, November 27, 1855.

SIR: I am this moment advised, by letter from S. J. Jones, sheriff of Douglas county, that while conveying a prisoner to Lecompton, whom he has arrested by virtue of a peace warrant, he was met by a band of armed men, who took said prisoner forcibly out of his possession, and bid defiance to the execution of all law in this Territory. He has demanded of me three thousand men to aid him in the execution of the legal process in his hands. As the southern division of the militia of this Territory is not organized, I can only request you to collect together as large a force as you can, and at as early a day as practicable report yourself, with the forces you may raise, to S. J. Jones, sheriff of Douglas county, and to give him every assistance in your power, in the execution of the legal process in his hands. Whatever forces you may bring to his aid are to be used for the sole purpose of aiding the said sheriff in the execution of the law, and no other. It is expected that every good citizen will aid and assist the lawful authorities in the execution of the laws of the Territory and the preservation of good order.

Your obedient servant,

WILSON SHANNON.

General H. J. STRICKLER.

EXECUTIVE OFFICE, SHAWNEE MISSION,
Kansas Territory, December 11, 1855.

SIR: In my despatch to you of the 28th ultimo, I advised you of the threatened difficulties in relation to the execution of the laws of this Territory in Douglas county. The excitement which then existed continued to increase, owing to the aggravated reports from Lawrence and that vicinity in relation to the military preparations that were being made to attack the sheriff and resist the execution of the laws. The excitement increased and spread, not only throughout this whole Territory, but was worked up to the utmost point of intensity in the whole of the upper portion of Missouri. Armed men were seen rushing from all quarters towards Lawrence, some to defend the place, and others to demolish it. The orders I had issued to Major General Richardson and General Strickler had brought to the sheriff of Douglas county a very inadequate force for his protection, when compared with the forces in the town of Lawrence. Indeed, the militia of the Territory being wholly unorganized, no forces could be obtained except those who voluntarily tendered their aid to the sheriff, or to Generals Richardson and Strickler. The whole force in the Territory thus obtained did not amount to more than three or four hundred men, badly armed, and wholly unprepared to resist the forces in Lawrence, which amounted, at that time, to some six hundred men; all remarkably well armed with Sharpe's rifles and other weapons. These facts becoming known across the line, in the State of Missouri, large numbers of men from that State, in irregular bodies, rushed to the

county of Douglas, and many of them enrolled themselves in the sheriff's posse. In this state of affairs, I saw no way of avoiding a deadly conflict but to obtain the use of the United States forces at Fort Leavenworth, and with that view I addressed you a telegraphic despatch, and received on the 5th instant your very prompt and satisfactory reply of the 4th instant, a copy of which I immediately transmitted, by special despatch, to Colonel Sumner, with the request that he would accompany me with his command to the scene of difficulty. In reply, I was informed he would immediately do so, having no doubt that in due time proper instructions would be received from the War Department. Information, however, which I received from both parties, convinced me that my presence was necessary to avoid a conflict, and without waiting for Colonel Sumner, I repaired to the seat of threatened hostilities, at the same time advising Colonel Sumner, by special despatch, of this movement. On my way to Lawrence, I met a despatch from Colonel Sumner, informing me that, upon reflection, he had changed his determination, and that he would not march with his command until he had received orders from the proper department, but that he would be ready to move with his command the moment such orders came to hand. I proceeded as rapidly as possible to the camp of General Strickler, on the Wakarusa, six miles east of Lawrence, and arrived in camp about three o'clock on the morning of the sixth instant. I found that General Strickler, as well as General Richardson, had very judiciously adopted the policy of incorporating into their respective commands all the irregular forces that had arrived. This was done with the view of subjecting them to military orders and discipline, and to prevent any unlawful acts or outbreaks. The great danger to be apprehended was from an unauthorized attack on the town of Lawrence, which was being strongly fortified, and had about one thousand and fifty men, well armed, to defend it, with two pieces of artillery, while, on the other side, there was probably in all near two thousand men, many of them indifferently armed, but having a strong park of artillery. I found in the camp at Wakarusa a deep and settled feeling of hostility against the opposing forces in Lawrence, and apparently a fixed determination to attack that place and demolish it and the presses, and take possession of their arms. It seemed to be a universal opinion in the camp that there was no safety to the law and order party in the Territory while the other party were permitted to retain their Sharpe's rifles, an instrument used only for war purposes. After mingling with all the leading men in the Wakarusa camp, and urging on them the importance of avoiding a conflict of arms, that such a step would probably light the torch of civil war and endanger the very Union itself, I still found that there was a strong desire with all, and a fixed determination with many, to compel the forces in Lawrence to give up their arms. Believing that such a demand would lead to a conflict which, if once commenced, no one could tell where it would end, and seeing no way to avoid it except by the aid of the United States forces, I again wrote another communication to Colonel Sumner, and sent it to him by special despatch about three o'clock on the morning of the 7th instant, requesting his presence; a copy of which I send you herewith, marked E. I received no reply

until my return to this place, after the difficulty had been arranged. I send you a copy of this reply, marked F. Early on the morning of the 7th instant I repaired to the camp at Lawrence, and found them busily engaged in their fortifications and in drilling their forces, and had a full and satisfactory interview with the committee appointed by the forces in Lawrence, in relation to the impending difficulties. So far as the execution of the laws was concerned, we had no difficulty in coming to a satisfactory understanding. It was at once agreed that the laws of the Territory should have their regular course, and that those who disputed their validity should, if they desired to do so, test that question in the judicial tribunals of the country; that, in the mean time, no resistance should be made to their due execution, and the citizens of Lawrence and vicinity were, when properly called on, to aid in the arrest of any one charged with their violation, and aid and assist in the preservation of the peace and good order of society; while, on my part, I gave them every assurance in my power that they should be protected in all their rights and defended against any unlawful aggressions. It is proper I should say, that they claimed that a large majority of them had always held and inculcated the same views. The assurances I received entirely satisfied me that no one against whom a writ had issued was then in Lawrence; that they had all fled, and that they were harboring, concealing, or defending no one against whom a writ had been issued, and that hereafter there would be no combined effort made to prevent the service of any process in the county of Douglas. This was entirely satisfactory, and all that had been desired. But to satisfy the forces that surrounded Lawrence, so that they could be induced to retire in order, was the great difficulty to be overcome. To issue an order to the sheriff to disband his *posse*, and to Generals Richardson and Strickler to disband their forces, would have been to let loose this large body of men, who would have been left without control to follow the impulse of their feelings, which evidently was to attack and disarm the people of Lawrence. Early on the morning of the 8th, through the influence of some leading men, I procured thirteen of the leading captains in the Wakarusa camp to be appointed a committee to confer with a committee from the Lawrence camp, to meet at Franklin, midway between the two hostile forces. I proceeded to the Lawrence camp, and returned to Franklin in the evening, with the committee, where the proposed interview took place. This interview, which lasted for some time, resulted in producing a better state of feeling, and the committee from the Wakarusa camp were satisfied to retire without doing anything more, and so reported to the army. This, with the active exertions of myself and others, produced a better feeling among the men, and by daylight on the morning of the 9th, I felt I could with safety order the forces to disband, and accordingly did so. They retired in order, and refrained from any act of violence, but it was evident there was a silent dissatisfaction at the course I had taken. But I felt conscious I was right, and that my course would be sanctioned alike by the dictates of humanity and sound policy. I returned to Lawrence on the 9th, and remained until the morning of the 10th, when, everything being quiet and safe, I returned to this

place. Everything is quiet now; but it is my duty to say to you, frankly, that I have forebodings as to the future. The militia or volunteer corps cannot be relied on to preserve the peace in these civil party contests, or where partisans are concerned. A call on the militia will generally only bring in conflict the two parties. I am satisfied that the only forces that can be used in this Territory in enforcing the laws, or preserving the peace, are those of the United States, and with this view I would suggest that the executive of this Territory be authorized to call on the forces of the United States when, in his judgment, the public peace and tranquillity, or the execution of the laws, may require their assistance. Should there be an outbreak, it will most probably be sudden, and before orders can be obtained from Washington the crisis will have passed. I send you herewith the copies of various affidavits, letters, &c., which will give you some information in detail touching the subject-matter of this despatch.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

UNITED STATES OF AMERICA, } ss.
Territory of Kansas. }

Be it remembered, that on this sixth day of December, in the year A. D. 1855, personally appeared before me, J. M. Burrell, one of the associate justices of the supreme court of the said Territory of Kansas, Harrison Buckley, of lawful age, who being by me duly sworn, saith that he is a citizen of the county of Douglas, and has resided therein since 30th day of March last, and has resided during all that time at Hickory Grove; that he was informed on good authority, and which he believed to be true, that Jacob Branson had threatened his life, both before and after the difficulty between Coleman and Dow, which led to the death of the latter. I understood that Branson swore that deponent should not breathe the pure air three minutes after I returned, this deponent at this time having gone down to Westport, in Missouri; that it was these threats, made in various shapes, that made this deponent really fear his life, and which induced him to make affidavit against the said Branson, and procure a peace warrant to issue, and be placed in the hands of the sheriff of Douglas county; that this deponent was with the said sheriff (S. J. Jones) at the time the said Branson was arrested, which took place about two or three o'clock in the morning; that Branson was in bed when he was arrested by said sheriff; that no pistol or other weapon was presented at the said Branson by any one; that after the arrest, and after the company with the sheriff had proceeded about five miles in the direction of Lecompton, the county seat of Douglas county, the said sheriff and his posse were set upon by about between thirty and forty men, who came out from behind a house, all armed with Sharpe's rifles, and presented their guns cocked, and called out who they were; and said Branson replied that they had got him a prisoner; and these armed men called on him to come away. Branson then went over on their side, and

sheriff Jones said they were doing something they would regret hereafter in resisting the laws; that he was sheriff of Douglas county, and, as such, had arrested Branson. These armed men replied that they had no laws, no sheriff, and no governor, and that they knew no laws but their guns. The sheriff, being overpowered, said to these men, that if they took him by force of arms he had no more to say, or something to that import, and then we rode off. This deponent further states that there have been three houses burned in the Hickory Point settlement; one was this deponent's house, another belonged to Josiah Hargis, and the third to said Coleman. All I had in the world was burned up, leaving my wife and children without clothing. This deponent's wife and four children fled to Missouri, where they still remain with their relatives. The house of deponent was burned down, as it is said, shortly before daylight in the morning. The wives and children of both Coleman and Hargis also fled to Missouri, where they still remain. There were about fifteen or sixteen law-abiding families in the settlement called the Hickory Grove settlement about the time these difficulties sprung up; they have all been forced by terror and threats of these armed men to flee with their wives and children to the State of Missouri for protection, and still remain there. These armed men have repeatedly in my presence said that they would resist the law by force, and there was no law in this Territory. These threats have been repeatedly made by these men for the last three months. And further this deponent saith not.

H. H. BUCKLEY.

Sworn and subscribed the day and year above stated, before me.

J. M. BURRELL,
Associate Justice Supreme Court, Kansas Territory.

UNITED STATES OF AMERICA, } ss.
Territory of Kansas. }

Be it remembered, that on this 7th day of December, A. D. 1855, personally came before me, S. G. Cato, one of the associate justices of the supreme court of the Territory of Kansas, Josiah Hargis, of lawful age, who being by me duly sworn, deposeth and saith, that on or about the 26th day of November, 1855, in Douglas county, sheriff Jones called upon me, with nine others, to act as a posse to arrest one Jacob Branson, under a peace warrant issued by Hugh Cameron, a justice of the peace; that he proceeded with said sheriff to Hickory Point, in said county, and there arrested said Branson, with whom they proceeded in the direction of Lawrence. When near a house on the Wakarusa an armed mob of persons, amounting to between thirty and forty, rushed from behind said house, and by force did rescue said Branson out of the hands of said sheriff and posse, and in defiance of of said sheriff's command, take said Branson and refuse to deliver him to said sheriff. That the said sheriff told the said mob that he held said Branson under a peace warrant properly issued by a legally authorized officer; and that he was sheriff of said county of Douglas,

and charged with the execution of said writ. The leader of said mob replied to said officer that they knew him as Mr. Jones, but not as sheriff of Douglas county. He then told them that he would call out the militia to enforce the law. Their reply was that he could not get men to enforce said law. He told them then that he would call on the governor for assistance; to which the said mob replied that they had no laws and no officers, and to pitch in. Said mob stood with their guns cocked and presented at the time of said rescue.

This deponent further saith, one H. H. Buckley, of said county of Douglas, was with said sheriff at the time of said rescue, as one of said sheriff's posse; that during the same night on which said rescue was made, said affiant saw a light in the direction of said Buckley's house, and that he fully believes said house was at that time burned. That he believes, from circumstances within his knowledge, that said house, together with his own, was burned by persons concerned with said mob; and that he has reason to believe that some of said houses were fired by said Branson aforesaid, assisted by a German, commonly called Dutch Charley; and they were counselled and advised thereto by one Farley. This affiant further says, that at the time of the rescue of said prisoner he was at a house near Hickory Point, and that he there saw three women, who told him that there had been an armed force that day who notified them to leave, and all other pro-slavery families in the neighborhood; and since, said families have left said neighborhood and fled to the State of Missouri. Said affiant says that he believes there were at that time in said neighborhood about fifteen pro-slavery families, nearly all of whom have fled, as aforesaid, to the State of Missouri, for protection. Said armed force was represented to consist of from one hundred to one hundred and fifty armed men.

S. N. HARGIS.

Sworn and subscribed before me. S. G. CATO,
Associate Justice of Kansas Territory.

In relation to events which have transpired since the apppointment of your committee, the majority of your committee use this language: "Your committee did not deem it within their power or duty to take testimony as to events which have transpired since the date of their appointment." The undersigned begs to say, that the majority of your committee did, however, take testimony as to events which "transpired since the date of their appointment." They admitted to record the testimony of Pardee Butler, as to his being tarred and cottoned at Atchison, and that of others touching other events, all happening after the date of their arrival in Kansas Territory, and consequently after that of their appointment. Having admitted testimony as to some events of the kind, it was but justice to all parties that counter testimony, relating to those as well as other events of the same kind, should be admitted. And thus the undersigned thought, when the counsel of General Whitfield sought to introduce evidence as to the Pottawatomie Creek murders, and other outrages. Having established a precedent, it was inconsistent for the majority of your

committee to refuse to take such testimony upon the ground that they had no "power," and that it was not their "duty" to investigate occurrences that "transpired since the date of their appointment." They exercised such a "power," and in part fulfilled such a "duty," when they took testimony prejudicial to the pro-slavery party; but when testimony unfavorable to the free-State party was sought to be introduced, it was then, and not till then, that the majority of your committee concluded that it was not within "their power or duty to take testimony as to events which transpired since the date of their appointment." But the majority of your committee extricated themselves from the dilemma in which they had, in this regard, placed themselves, by expunging testimony favorable to the free-State party side—testimony already received in relation to alleged violence shown to Pardee Butler and others, so that they could consistently refuse to admit testimony as to outrages committed by the free-State people, which in savage barbarity and demoniac cruelty have scarcely an equal in the history of civilized man. But, notwithstanding that the majority deemed it without their "power or duty" to investigate matters occurring since the time of their appointment, they have reported, and in their report dwelt with much warmth of expression upon, events which they admit "transpired since the date of their appointment"—events for which they do not claim to have a shadow of authority for their truth except vague rumor, and for which in fact there is none as yet shown; and the testimony in regard to at least one of which events they had expunged from the record, to wit, the tarring and cottoning of Pardee Butler. The undersigned is of the opinion, that if the majority of your committee are justified in reporting and dwelling upon occurrences for the truth of which they offer no proof, he is equally, if not much more strongly justified, in reporting and dwelling upon occurrences for the proof of which he has sworn testimony. The majority of your committee having presented, in their report, scarcely anything but what is favorable to the abolition party in Kansas and prejudicial to the law and order party, the undersigned deems it a duty, no less to the House than to the country and the cause of truth, to give some facts on the other side favorable to the other party in Kansas, so that in presenting both sides, the world may have a fair chance to get at the truth, and arrive at a just conclusion. The minority of your committee (the majority having alluded, in their report, to events as to which they refused to take testimony) has fortunately been furnished with sworn testimony to which he desires to refer, and which he considers important to lay before the House and the public. First in order of time are the murders committed on the night of the 24th of May, 1856, on Pottawatomie creek. In this massacre, it is known that five persons were killed in one night, viz: Allen Wilkinson, William Sherman, William P. Doyle, father, and William and Drury Doyle, sons. The undersigned begs leave to refer to various affidavits which he appends to and makes a part of his report.

Allen Wilkinson was a member of the Kansas legislature—a quiet, inoffensive man. His widow, Louisa Jane Wilkinson, testifies, that on the night of the 24th of May last, between the hours of midnight

and day-break, she thinks, a party of men came to the house where they were residing and forcibly carried her husband away; that they took him in the name of the "Northern Army," and that next morning he was found about 150 yards from the house, dead. Mrs. Wilkinson was very ill at the time with measles. Here follows an extract from her affidavit: "I begged them to let Mr. Wilkinson stay with me, saying that I was sick and helpless, and could not stay by myself. My husband also asked them to let him stay with me until he could get some one to wait on me; told them that he would not run off, but would be there the next day, or whenever called for; the old man who seemed to be in command looked at me, and then around at the children, and replied, 'you have neighbors.' I said, 'so I have, but they are not here, and I cannot go for them.' The old man replied, 'it matters not,' and told him to get ready. My husband wanted to put on his boots, and get ready, so as to be protected from the damp and night air, but they would not let him. They then took my husband away. * * * After they were gone I thought I heard my husband's voice in complaint. * * Next morning Mr. Wilkinson's body was found about 150 yards from the house, in some dead brush. A lady, who saw my husband's body, said that there was a gash in his head and his side. Others said that he was cut in the throat twice." Mr. Wilkinson was a poor man, and of course his widow was left destitute; but, regardless of this fact, they took away some property, including the only horse they had. Mrs. Wilkinson was presented at Westport, Missouri, with the necessary means to go to her father's in Tennessee. She has two small children. Mrs. Wilkinson's description of the leader of the men who murdered her husband suits Captain John Brown, a well known character in the abolition party. She says that her husband was a quiet man, and was not engaged in arresting or disturbing anybody. He took no active part in the pro-slavery cause, so as to aggravate the abolitionists; but he was a pro-slavery man.

The circumstances attending William Sherman's assassination are testified to by Mr. James Harris, of Franklin county, Kansas. Mr. Sherman was staying over night at the house of Harris, when, on the night of the 24th of May, about two o'clock, Captain John Brown and party came there, and after taking some property and questioning Harris and others, Sherman was asked to walk out. Mr. Harris, in his affidavit, says: "Old man Brown asked Mr. Sherman to go out with him, and Sherman then went out with Brown. I heard nothing more for about fifteen minutes. Two of the 'Northern Army,' as they styled themselves, staid with us until we heard a cap burst, and then these two men left. Next morning, about ten o'clock, I found William Sherman dead in the creek near my house. I was looking for him; as he had not come back, I thought he had been murdered. I took Mr. William Sherman (body) out of the creek and examined it. Mrs. Whiteman was with me. Sherman's skull was split open in two places, and some of his brains were washed out by the water; a large hole was cut in his breast, and his left hand was cut off, except a little piece of skin on one side."

In relation to the assassination of James P. Doyle and sons, the

affidavit of Mrs. Mahala Doyle, the widowed mother, was procured. William Doyle, one of the murdered, was twenty-two years of age; Drury Doyle, the other, was twenty years of age. Mrs. Doyle was left very poor, with four children—one of them only eight years old—to support. Mrs. Doyle testifies: "That a party of armed men came to her house about 11 o'clock, she thinks, on the night of the 24th of May; they first inquired where Mr. Wilkinson lived, and then made Mr. Doyle open his door, and went into the house, saying they were from the 'Army of the North,' and asking them to surrender." Says Mrs. Doyle: "They first took my husband out of the house, then they took two of my sons—the two eldest, William and Drury—out, and then took my husband and the two boys away. My son John (sixteen years old) was spared because I asked them, in tears, to spare him. In a short time afterwards I heard the report of pistols—two reports; after which I heard moaning, as if a person was dying; then I heard a wild whoop. * * * I went out next morning in search of them, and found my husband and William, my son, lying dead in the road, near together, about two hundred yards from the house. They were buried the next day. On the day of the burying I saw the dead body of my son Drury. Fear for myself and the remaining children induced me to leave the home which we had been living at, and I went to the State of Missouri."

The testimony of John Doyle goes to corroborate that of his mother. Here follows an extract: "I found my father and one brother (William) lying dead in the road, about two hundred yards from the house. I saw my other brother lying dead on the ground, about one hundred and fifty yards from the house, in the grass, near a ravine. His fingers were cut off; his head was cut open; there was a hole in his breast. William's head was cut open, and a hole was in his jaw, as though it was made by a knife, and a hole was also in his side. My father was shot in the forehead and stabbed in the breast. I have talked often with northern men and eastern men in the Territory, and these men talked exactly like eastern men and northern men talk—that is, their language and pronunciation were similar to those of eastern and northern men with whom I had talked. An old man commanded the party; he was of dark complexion, and his face was slim. My father and brothers were pro-slavery men, and belonged to the *law and order party*."

There seems to be little or no doubt that a certain notorious leader of the free-State party (as they call themselves) in Kansas, whose name it is not here deemed proper to give, was at the head of the party engaged in this fiendish massacre. Mr. Harris testifies that one John Brown, one of the leaders of the free-State party, was engaged in the killing of Sherman, and it will hardly be doubted that they who murdered Sherman also killed the rest—all being murdered on the same night and in the same neighborhood. Those who were killed, it is testified, were pro-slavery people; and the undersigned has no hesitation in saying that these ill-fated men were deprived of their lives, and their wives and children made widows and orphans, in consequence of the insurrectionary movements instigated and set on foot by the reckless leaders of the Topeka convention.

Next in order are the outrages committed on the property of Morton Bourn and that of J. M. Bernard. The affidavit of Mr. Bourn shows that, on the night of Wednesday, the 28th day of May, 1856, a party of abolitionists entered his house forcibly, threatened to take his life if he did not leave the Territory immediately; took all the money he had, which they said they wanted to carry on the war. They also took guns, saddles, and horses, and then robbed his store of various articles. Mr. Bourn, on oath, says: "I own slaves, and have a crop of corn and wheat growing. Have never taken any active part with the pro-slavery party, only voted the pro-slavery ticket, and was for sustaining the laws. * * * These men said I must leave in a day or two or they would kill me, or hinted as much—said I would not fare well, or words to that effect. I left for fear of my life and the lives of my family. They said that the war was commenced, that they were going to fight it out, and drive the pro-slavery people out of the Territory, or words to that amount. The men that robbed my house and drove me away from my property were abolitionists, or free-soilers. * * * I believe they hated me so because I am a pro-slavery man, and in favor of the Territorial laws, and because I served on the last grand jury at Lecompton."

But the most flagrant case of robbery that occurred while your committee were in Kansas was the plundering of Mr. Joab Bernard's store and premises. Mr. Bernard is quite a young man, and of highly respectable family. While prosecuting his business, he was warned that his life was in danger, and was compelled to leave his home for safety; and during his absence his store was robbed of nearly four thousand dollars' worth of goods and money, and his premises of cattle and horses of the value of at least one thousand more. The facts of this case are testified to by Messrs. John Miller and Thomas S. Hamilton. Mr. Bernard testifies himself as to his life being threatened, and the amount of goods in his store and other property on the premises. Messrs. Miller and Hamilton corroborate his testimony, and the undersigned makes their depositions a part of his report. St. Bernard, J. M. Bernard's place, is situated in Douglas county, on the California and Fort Scott road, about thirty miles from Lecompton. The robbery took place on the 27th day of May, 1856. In his affidavit, Mr. Miller says: "I was in the store with Mr. Davis. Whilst there a party of thirteen men came to the store on horseback, armed with Sharpe's rifles, revolvers, and bowie-knives. They inquired for Mr. Bernard.. I told them that he had gone to Westport. One of them said to me, 'You are telling a God damned lie,' and drew up his gun at me. Some of them came into the store, and the rest remained outside. They called for such goods as they wanted, and made Mr. Davis and myself hand them out, and said if we 'didn't hurry' they would shoot us. They had their guns ready. After they had got the goods—they wanted principally blankets and clothing—they packed them upon their horses and went away. Mr. Joab Bernard is a pro-slavery man." Mr. Miller recognised one of the party as an active free-State man. They on the next day came back with a wagon, and took the remainder of the goods in the store, except about one hundred and fifty dollars' worth—including flour, sugar, coffee, bacon,

and all kinds of provisions, as well as two fine horses, three saddles, two bridles, and all the money there was in the store. In the conclusion of his affidavit, Mr. Miller says: "When they first came, they looked up at the sign, and said they would like to shoot at the name." The affidavits accompanying this report are full and explanatory, and the undersigned begs to make them a part of his report. They are sworn to before a justice of the peace for Jackson county, Missouri, and the seal of the Jackson county court is attached to the clerk's certificate, as to the official character of the justice of the peace. The undersigned thinks that, in reviewing these outrages, he did not inappropriately characterize the Pottawatomie creek murders as instances of "savage barbarity and demoniac cruelty," while the robberies of Bourn and Bernard are almost without parallel in the history of crime in this country. In this connexion, the undersigned deems it proper to state that the report so currently circulated throughout the country, to the effect that the lamented Wilkinson, Sherman, and the Doyles were caught in the act of hanging a free-State man, and were shot by a party of free-soilers, is without the least foundation in truth—that it is entirely false.

In conclusion, the undersigned begs to report the following facts and conclusions, as he believes, established by the testimony and sanctioned by the law:

First. That at the first election held in the Territory under the organic act, for delegate to Congress, Gen. John W. Whitfield received a plurality of the legal votes cast, and was duly elected such delegate, as stated in the majority report.

Second. That the Territorial legislature was a legally constituted body, and had power to pass valid laws, and their enactments are therefore valid.

Third. That these laws, when appealed to, have been used for the protection of life, liberty and property, and for the maintenance of law and order in the Territory.

Fourth. That the election under which the sitting delegate, John W. Whitfield, was held, was in pursuance of valid law, and should be regarded as a valid election.

Fifth. That as said Whitfield, at said election, received a large number of legal votes without opposition, he was duly elected as a delegate to this body, and is entitled to a seat on this floor as such.

Sixth. That the election under which the contesting delegate, Andrew H. Reeder, claims his seat, was not held under any law, but in contemptuous disregard of all law; and that it should only be regarded as the expression of a band of malcontents and revolutionists, and consequently should be wholly disregarded by the House.

Seventh. As to whether or not Andrew H. Reeder received a greater number of votes of resident citizens on the 9th, than J. W. Whitfield did on the 1st of October, 1855, no testimony was taken by the committee, so far as the undersigned knows, nor is it material to the issue.

All of which is respectfully submitted.

M. OLIVER.

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